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THE
STATUTES AT LARGE

OF

SOUTH CAROLINA;

EDITED, UNDER AUTHORITY OF THE LEGISLATURE,

BY

DAVID J. McCORD.



VOLUME SIXTH,

CONTAINING THE ACTS FROM 1814, EXCLUSIVE, TO 1838, INCLUSIVE.

ARRANGED CHRONOLOGICALLY.

WITH AN APPENDIX.



COLUMBIA, S. C.
PRINTED BY A. S. JOHNSTON.
1839.

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STATUTES AT LARGE.

AN ACT TO AUTHORIZE CREDITORS HOLDING THE BODIES OF THEIR No. 2069.

DEBTORS IN EXECUTION TO DISCHARGE THEM, WITHOUT IMPAIRING THE BINDING EFFICACY OF THEIR JUDGMENTS.

WHEREAS, experience hath shown that the present mode of executing writs of *capias ad satisfaciendum* is too rigorous in a free country, where every creditor who may be humanely disposed ought to have it in his power to show such indulgence to his debtor, after he has been taken in execution, as he shall please, without destroying or in any manner weakening the force of his judgment, which he may now do in a case of *feri facias*; and there being no good reason why more rigor should be suffered to exist in the one case than in the other :

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act every creditor in this State who may have taken or shall take in execution the body of any debtor, by writ of *capias ad satisfaciendum*, shall be, and he is hereby, authorized, with the consent of such debtor, to discharge him from his arrest, and suffer him to go at large, without disparaging or weakening the force of his judgment; and that the liberation of the body of such debtor, in consequence of such indulgence, shall never hereafter be construed to destroy, or in any manner affect, the lien of his judgment on the estate of such debtor, but the same shall remain in as full force after the granting of such indulgence, and liberation of the body of the defendant thereon, as if no such indulgence had been granted. Provided, nevertheless, that the granting the said indulgence shall in no wise incapacitate or prevent the plaintiff from afterwards taking out such other writs of *capias ad satisfaciendum* against the body of the defendant, or writs of *feri facias* against his property, on the said judgments, as he shall direct thereon.

By consent, defendant may be discharged on ca. sa. and afterwards be retaken, or fi. fa. issued.

In the Senate House, the thirteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, and in the fortieth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT for the organization of the Staff of the Militia of South Carolina; and for other purposes therein mentioned. No. 2069.

(Passed December 13, 1815. *See last volume.*)

VOL. VI.—1.

A. D. 1815.

No. 2070. AN ACT FOR THE RELIEF OF THE WIDOWS AND ORPHANS OF SUCH PERSONS WHO DIED OR WERE KILLED, OR WHO HAVE DIED BY DISEASES CONTRACTED, IN THE LATE WAR BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN.

Preamble. WHEREAS, it is our just and right that the widows and orphans of those officers, non-commissioned officers and privates who bravely stepped forth in the defence of this State, and who died, or contracted diseases which terminated in their death, in the service of this State, in the late war between the United States of America and Great Britain, should be provided for:

Provision made for widows and children of such as died, or contracted diseases of which they died, in the service of the State, in late war. I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act the widows and children of such military commissioned, non-commissioned officers and privates as have fallen in battle, or who have died in the service, or of disease contracted in the service of this State, during the late war between the United States of America and Great Britain, or on their journey home after having been discharged from service, shall be entitled to receive out of the public treasury of this State, that is to say: each widow of every such commissioned, non-commissioned officer or private, the sum of thirty dollars, and every child of such commissioned, non-commissioned officer or private, the sum of twenty dollars, per annum; provided, that such pensions, to every such widow, shall cease upon her or their marriage with any other person, and to such child or children upon their attaining the age of twelve years respectively.

Oath of widow. II. *And be it further enacted* by the authority aforesaid, That every widow who is desirous of becoming a pensioner under this Act, shall make the following oath before some justice of the peace or quorum, in the district in which she shall reside, that is to say: "I, A. B., widow of C. D., do solemnly swear (or affirm, as the case may be) that the said C. D. was a commissioned, non-commissioned officer, or private (as the case may be) in a detachment called into the service of this State, in the late war between the United States of America and Great Britain, under the command of E. F., and that the said C. D. died, as she is informed and believes, whilst he was in the service of this State, or of a disease which he contracted in the said service; and that the said C. D. left — children, the oldest of whom was — years old at the time of the death of the said C. D. So help me God." Which shall be certified by two justices of the peace or quorum of the district, that the said affidavit is, to the best of their knowledge, correct; upon which said oath, the commander-in-chief of the said detachment, or officer or officers of the company in which the said deceased officer, non-commissioned officer or private, served, shall certify that the said deceased did die in the service of this State, as aforesaid, or of a disease contracted in the service thereof; whereupon such widow and children shall be placed upon the list of pensioners, and shall be entitled to the pensions hereby granted.

How certified.

Certificate from commanding officer.

Widows and children of those called out by United States. III. *And be it further enacted* by the authority aforesaid, That the widows and children of officers, non-commissioned officers and privates, who were called out by the government of the United States, shall be, and they are hereby declared to be, entitled to the benefits of this Act, unless the

said United States shall make an adequate provision for such widows and children as are hereby entitled to pensions. A. D. 1815.

IV. *And be it further enacted* by the authority aforesaid, That in case the United States shall make provision for the widows and children aforesaid, and not make such provision as ample and as large as is made and provided by this Act, for the widows and children of officers, non-commissioned officers and privates, called out by the State, then the difference between the pensions established by the United States, and by virtue of this Act, shall be paid to the widows and children of such officers, non-commissioned officers and privates, as were so called out by the United States, to be paid out of the treasury of this State, under the same regulations, and upon the same certificates, as is hereinbefore required.

Deficiency in provision made by U. S. made up by this State.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, and in the fortieth year of the Sovereignty and Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT to alter and amend the Militia Laws of this State. No. 2071.

(Passed December 16, 1815. *See last volume.*)

AN ACT to establish certain Roads, Bridges and Ferries, therein mentioned. No. 2072.

(Passed December 16, 1815. *See last volume.*)

AN ACT SUPPLEMENTAL TO THE VENDUE ACT, PASSED THE SEVENTEENTH DAY OF MARCH, IN THE YEAR OF OUR LORD ONE THOUSAND No. 2073.

SEVEN HUNDRED AND EIGHTY-FIVE, GIVING THE OWNERS OF PROPERTY DISPOSED OF BY VENDUE MASTERS OR AUCTIONEERS, SUMMARY REDRESS AGAINST THEM FOR THE AMOUNT OF THE SALES THEREOF.*

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the owners of property placed in the hands of vendue masters or auctioneers, either for public or private sale, are hereby authorized and empowered to recover from said vendue masters, in the most summary manner, before the inferior city court of Charleston, or any court having competent jurisdiction in this State, all sum or sums of money due them by the said vendue masters or auctioneers, for goods or other property by them sold on account of said

Suits against Vendue Masters or Auctioneers for goods sold, made summary.

*See vol. 4, 670.

STATUTES AT LARGE

A. D. 1813.

Judges to make such summary rules and orders as to expedite such causes.

owners : And in order that the said debts may be recovered with the least possible delay, the justices of the Court of Common Pleas are hereby authorized and empowered to make such summary rules and orders, in all cases relative to the recovery of the said debts and costs, as shall be agreeable to justice, and may tend to expedite such causes, notwithstanding the writ or process may be returnable on any day that is to come after the time appointed for holding court for trial of such causes aforesaid ; and no judgment given in such case shall be arrested or stayed for or by reason of any error or mistake in the proceedings. Provided, that all persons who are parties to any such cause or suit, have due and convenient notice of such rules and orders as aforesaid, and have reasonable and convenient time allowed them, to do and transact all matters that are necessary and allowable by law, to defend his or their respective suits.

Auctioneers or Vendue Masters not entitled to prison bounds or insolvent laws, when sued for money received for goods sold by them as such.

II. And whereas, it is just and expedient, that property placed in the hands of vendue masters or auctioneers for sale, should be under the special protection of the law ; *Be it further enacted* by the authority aforesaid, That no vendue master or masters, or auctioneers, shall hereafter be entitled to the benefit of the Act made and provided for the relief of insolvent debtors, or the Act entitled " An Act to establish the bounds of the prisons and common gaols in the several districts and counties of the State," in such cases when his or their debt or debts arose from not paying to the owner or owners who shall place property in their hands for sale, the proceeds of property so disposed of : Provided however, that nothing in this Act shall be so construed or understood as to render vendue masters or auctioneers responsible for the loss of goods or other property, occasioned by the Act of a public enemy, the act of God, or by any other cause which man could not prevent or foresee : And provided also, that the sheriff into whose custody such vendue masters or auctioneers shall be committed, shall give ten days notice to the creditor or creditors, at whose suit he shall be confined, that unless the said creditor or creditors shall give security to the said sheriff for the support of the said debtor while in gaol, he will be discharged, and on failure so to do, may be discharged accordingly.

Proviso.

In the Senate House, the fifteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, and in the fortieth year of the Sovereignty and Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2074. AN ACT TO AUTHORIZE THE COLLECTION OF INTEREST ON JUDGMENTS AND DECREES, AND TO REMOVE THE NECESSITY OF FREQUENT REVIVALS THEREOF.

Preamble.

Judgments on causes of action bearing interest, shall continue to bear interest on the original cause of action.

WHEREAS, it is reasonable and proper that all judgments and decrees of the courts of law and equity in this State should bear interest :

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all judgments and decrees of the courts of law or equity in this State, hereafter to be obtained and rendered on any judgment, bond, bill, promissory note, or other cause of action, bearing interest, the princi-

pal sum of the judgment, bond, bill, promissory note, or other cause of action, on which such judgment shall be so obtained and rendered, shall continue to bear the same interest as the original cause of action did bear before the entry of judgment thereon; and in the body of every execution hereafter to be issued on such judgment or decree, the sheriff or other officer who may be required to execute the same, shall be directed, by virtue of such execution, to levy the interest which shall accrue on the principal of the said debt, obligation, or other security on which the judgment or decree has or may be had or rendered, up to the day on which such levy shall be made and satisfaction entered on said execution.

A. D. 1815.

Execution must direct sheriff to collect interest.

II. *And be it further enacted* by the authority aforesaid, That the interest which shall accrue on any judgment or decree, after the same has been entered up, shall have the same lien on the estate of the defendant, or person liable to pay the same, from the time of the accrual of such interest, only as the original judgment or decree, or execution thereon issued, shall have.

Lien for amount of interest.

III. *And be it further enacted* by the authority aforesaid, That it shall and may be lawful to issue execution on any judgment or decree of any court of law or equity in this State, at any time within three years next after the signing or enrolment thereof, without any revival of the same.

Execution may issue within 3 years of judgment.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, and in the fortieth year of the Sovereignty and Independence of the United States of America.

THOS. BENNETT, *Speaker of the House of Representatives.*

JAMES R. PRINGLE, *President of the Senate.*


AN ACT to postpone the meeting of the Court of Appeals in Equity at Columbia, in the fall, one week, so as to prolong the Court in Charleston; and for other purposes therein mentioned. No. 2075.

(Passed December 15, 1815. See last volume.)

AN ACT CONFIRMING THE TITLE OF JOHN M. HOPKINS TO A LOT OF LAND DERIVED THROUGH AN ALIEN. No. 2076.

WHEREAS, John M. Hopkins has purchased from Francis Faucault, the heir of Michael Faucault, late of Charleston, carpenter, deceased, a lot of land in Wall-street, on Gadsden's Green, in the said city; and in consequence of the treaty between France and America having expired, the said Francis Faucault (who is an alien) is not authorized to give a good and sufficient title to the said John M. Hopkins:

I. *Be it therefore enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Francis Faucault is hereby authorized to convey the said land to the said John M. Hopkins, as fully and effectually in law as if he had been a citizen of this State; and the title of the said John M. Hop-

A. D. 1815.  kins is hereby confirmed: Provided always, that nothing herein contained shall be construed to convey any right to the said John M. Hopkins which the said Francis Faucault could not convey if he were a citizen of this State.

In the Senate House, the fiftesuth day of December, in the year of our Lord one thousand eight hundred and fifteen, and of American Independence the fortieth.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2077. AN ACT to incorporate the Fishing-creek Circulating Library Society in Chester district, and the Ladies Benevolent Society of Beaufort district.

(Passed December 16, 1815. *See last volume.*)

No. 2078. AN ACT FOR THE PREVENTION OF FRIVOLOUS APPEALS.

Judge who tried the cause, may give opinion in Appeal Court, provided there are five Judges. I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in all cases of appeals from the decision of the circuit courts of law, within this State, now pending or hereafter to be made, the opinion of the judge who tried the cause shall be taken and have equal effect with that of any other member of the constitutional court; provided, nevertheless, the court shall not consist of less than five judges.

Interest allowed pending appeals. II. *And be it enacted* by the authority aforesaid, That whenever, on any appeal hereafter to be made from the decision of any circuit court of law or equity within this State, the final decision shall be against the appellant, or he shall withdraw his appeal, interest on the amount recovered shall be allowed, at the rate of seven per cent. from the day the verdict or decree was given, to the time when such appeal shall be dismissed or withdrawn.

III. *And be it further enacted*, That the amount of the interest hereby allowed shall be endorsed on the back of the execution, and collected by the sheriff with the original debt.

In the Senate House, the thirteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, and in the fortieth year of the Sovereignty and Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

A. D. 1815.

AN ACT TO FIX THE VALUE OF LANDS IN THIS STATE FOR TAXATION, No. 2079.
AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. Be it enacted, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the lands within this State shall be, and they are hereby, distributed and divided among the following classes : Lands in this State classed.

Class No. 1 shall contain all the tide swamp of the first quality, not generally affected by salts or freshets, which shall be rated at twenty-six dollars per acre ; all tide swamp of the second quality, not generally affected by salts or freshets, which shall be rated at seventeen dollars per acre ; all tide swamp of the third quality, not generally affected by salts or freshets, which shall be rated at eight dollars and fifty cents per acre ; all pine barren lands adjoining such swamps, or contiguous thereto with respect to the benefit of water carriage, which shall be rated at two dollars per acre ; all prime inland swamp, cultivated and uncultivated, which shall be rated at an average of thirteen dollars per acre ; all inland swamp of the second quality, which shall be rated at eight dollars and fifty cents per acre ; all inland swamp of the third quality, which shall be rated at four dollars per acre ; all pine barren lands adjoining or contiguous thereto, which shall be rated at one dollar per acre ; and all salt marsh, or inland swamp, clearly proved to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre.

Class No. 2 shall comprehend all high river swamp and low grounds, cultivated and uncultivated, including such as are commonly called second low grounds, lying above the flow of the tides, and as high up the country as Snow Hill on Savannah river, and the fork of Broad and Saluda rivers on the Congaree, Graves's Ford on the Wateree, and the boundary line on Pedee ; the first quality to be rated at thirteen dollars per acre ; the second quality at eight dollars and fifty cents per acre ; the third quality at four dollars per acre ; excepting such as may be clearly proven to the collectors to be incapable of immediate cultivation, which shall be rated at one dollar per acre.

Class No. 3 shall comprehend all high river swamps and low grounds lying above Snow Hill and the fork of Broad and Saluda rivers, Graves's Ford on the Wateree, and the old Indian boundary line on Pedee, which shall be rated at three dollars per acre.

Class No. 4 shall comprehend all high lands without the limits of St. Philip's and St. Michael's parishes, within twenty miles of Charleston, and on John's Island and James's Island, which shall be rated at four dollars per acre.

Class No. 5 shall comprehend all lands lying on the sea islands, (Stann's island included,) or lying on or contiguous to the seashore, usually cultivated, or capable of cultivation, in corn, cotton or indigo, not within the limits prescribed in Class No. 4, which shall be rated at four dollars per acre.

Class No. 6 shall comprehend all oak and hickory high lands lying below Snow Hill and the fork of Broad and Saluda rivers, Graves's Ford on the Wateree, and the new boundary line on Pedee, and not included in the description or limits of the two preceding classes, numbers 4 and 5, which shall be rated at three dollars per acre.

Class No. 7 shall include all pine barren lands not included in classes Nos. 1, 4 and 5, which shall be rated at twenty cents per acre.

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Class No. 8 shall comprehend all oak and hickory high lands lying above Snow Hill, the fork of Broad and Saluda rivers, and Graves's Ford on the Wateree, the first quality of which shall be rated at one dollar and fifty cents per acre; the second quality at one dollar per acre; and the third quality at forty cents per acre.

Class No. 9 shall comprehend all oak and hickory high lands above the old Indian boundary line, the first quality of which shall be rated at one dollar and twenty cents per acre; the second quality at sixty cents per acre; and the third quality at twenty cents per acre.

Class No. 10 shall include all lands within the parishes of St. Philip's and St. Michael's, which shall be assessed in the same manner and upon the same principles as houses and lots in Charleston, and in a relative proportion to lands in the country.

Slaves on Catawba lands liable to tax.

II. *And be it enacted* by the authority aforesaid, That all negroes and other slaves who are employed on any lands leased by any person or persons of the Catawba Indians, shall be, and they are hereby made, liable to the payment of the same tax as owners of negroes in the other parts of this State are liable to pay. But nothing in this Act contained shall be construed to impose any tax upon the property or estate of any religious society, or the South Carolina Society, or the Winyaw Indigo Society, or the Fellowship Society, or the estate of the late Doctor De la Howe, demised for charitable purposes, or that part of the estate of the late Thomas Wadsworth devised for the establishment of a school, or the Clarendon, or the High Hills of Santee, or the Camden Orphan Societies, or the Columbia Academy, or the lands and funds owned by the Free School of Dorchester, or the public lands held by the corporation of Charleston, or the lands and funds of any society applicable to education or the maintenance of public schools; but no houses owned or erected on such lands by any private individual or individuals shall be exempted from paying taxes thereon, according to their full value, to be rated by the assessor or assessors in the respective collection districts.

Oath to be taken by those who make returns.

III. *And be it enacted* by the authority aforesaid, That each and every enquirer, assessor and collector shall, on their enquiry for the return of taxes of this State, administer the following oath to all such persons as shall be liable to pay any of the said taxes, viz: "I, A B, do solemnly swear (or affirm, as the case may be) that the account which I now give is a just and true account of the quantity and quality of the lands, and number of slaves, which I was possessed of, interested or entitled to, on the first day of October last, either in my own right or the right of any other person, either as guardian, agent, attorney, trustee, or in any manner whatsoever, according to the best of my knowledge and belief; and that I will give a just and true answer, according to the best of my knowledge, to all such questions as shall be asked touching the same; and this I swear without any kind of equivocation or mental reservation whatsoever."

Return to be sworn to.

IV. *And be it enacted* by the authority aforesaid, That no return of taxable property shall be received by any tax-collector in this State, unless the same be made and sworn to by the owner of such property, or by an executor or administrator, or unless the owner thereof is absent from and without the limits of this State.

Sales under tax executions, how to be conducted.

V. And whereas, difficulties have arisen in the collection of the public taxes, by defendants at sales made under the tax executions purchasing in their own property and not complying with the terms of the sale, and in other instances by payment of ten per cent. under the Act of one thousand seven hundred and ninety-six, and in other instances by a want of bidders, whereby the revenue of the State is impaired; for remedy

whereof, *Be it enacted* by the authority aforesaid, That from and after the passing of this Act it shall be the duty of the sheriffs throughout this State, wherever property sold under executions shall not produce the amount of the tax, with the fees due thereon, by reason of the non-compliance of the purchaser, or any other cause whatsoever, to take the body of the defendant; and it shall not be required of such sheriff or sheriffs to proceed to any other sale of the said property, unless in cases of intestates.

A. D. 1815.

VI. *And be it enacted* by the authority aforesaid, That in all cases where the Legislature shall omit or neglect to fill up the board of directors of the Bank of the State of South Carolina, the directors appointed by such Legislature shall, with the president, fill up such vacancies as shall occur by such omission on the part of the Legislature to appoint a full board of directors, in the manner they are now authorized to do where vacancies occur by death or resignation; and if at any time the Legislature should appoint any number of directors less than seven, the existing board of directors may appoint such number of directors as, with those appointed by the Legislature, shall make up the number of seven, and these seven, with the president, shall appoint the remaining five directors; and where the Legislature shall wholly omit, at any session, to appoint a president or directors, those then in office shall continue until a new appointment shall be made by the Legislature.

Vacancies in
board of Bank
directors, how
to be filled

VII. *And be it further enacted* by the authority aforesaid, That the sheriffs of the several districts within this State, with whom executions for taxes shall be lodged by the collectors in this State, shall be, and they are hereby, required, within ninety days after receiving such executions, to make to the comptroller general a full and complete return thereof; and in case any sheriff shall fail or neglect to make such return, within the time prescribed by this Act, then and in that case it shall be the duty of the comptroller general, and he is hereby enjoined and required, to cause such defaulting sheriff to be debited in the books of the treasury with the full amount of his receipt, and such sheriff or sheriffs shall not afterwards be entitled to any credit for any executions returned by them after the expiration of the said ninety days, although such executions should be returned "*nulla bona*," or "*non est inventus*."

Sheriffs to
make returns
of executions.

VIII. *And be it enacted* by the authority aforesaid, That it shall be the duty of the tax collectors of this State to make, on the first day of August in every year, to the commissioners of the poor, in the parish or district in which any poor tax shall be by the said tax collectors respectively collected, a return of such poor tax, in like manner as they make returns of the public tax to the treasurers of this State. And it shall be the duty also of the said tax collectors to make a duplicate return to the comptroller general of the amount of the tax so collected and paid to the commissioners.

Tax Collectors
to make returns
of poor tax.

IX. *And be it enacted* by the authority aforesaid, That the said several tax collectors in each fiscal division of the State shall exhibit, in some column of his return, the number of acres of land lying within their respective divisions, and the number of acres lying elsewhere, and for which taxes shall be paid them; in like manner they shall exhibit in other columns the number of negroes in their respective divisions, and those elsewhere, whereon taxes shall be paid them; and in other separate columns exhibit the amount of taxes in their respective divisions, on every different article taxed by law; and the comptroller general shall preserve these columns in his aggregate of taxes to be laid before the next meeting of the Legislature.

Tax collectors
to return prop-
erty lying in
other divisions,
for which taxes
are paid them.

X. *And be it enacted* by the authority aforesaid, That the comp-
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List of defaulting commissioners and clerks to be published.

troller-general shall annually publish in the State Gazette a list of such commissioners and clerks as have neglected to make their returns as above required, for the preceding year; and provided that the said commissioners and clerks do not make their returns on or before the first day of September after such publication, it shall be the duty of the attorney-general or solicitors, as the case may be, to sue for and recover the penalty to which they have been heretofore declared liable; except the commissioners of St. Philip's and St. Michael's parishes, who shall account to the City Council of Charleston as heretofore.

Names of persons who make tax returns to be left with the clerks of courts.

XI. *And be it enacted* by the authority aforesaid, That it shall be, and is hereby declared to be, the duty of the comptroller general, as speedily as the same can be done, after the first day in October in every year, to make out, from the returns of the tax collectors, and to transmit to the clerks of the several courts in the several districts of this State, the names of all persons who have made returns for the preceding year, together with the taxes paid by the said persons, to the end that the persons paying such tax may have an opportunity of comparing their receipts with the same. And it shall be the duty of the clerks of the said courts, on application of any person for an inspection of said statement so transmitted to him by the comptroller-general, to produce the same; and in case there shall appear any difference between the comptroller-general's report and the receipt of the tax paid by such person, the clerk thereupon shall report the same to the legislature; and in case any clerk shall neglect or refuse, without reasonable excuse, to exhibit the same, when demanded in office hours, by any person or persons paying a tax in said district, he shall be subject to a penalty of ten dollars, to be recovered in any court having competent jurisdiction; one half to the informer, the other to the treasury of the State. And the comptroller general, for his services thus required of him, shall yearly receive the sum of two hundred dollars.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, and in the fortieth year of the Sovereignty and Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2080. AN ACT to improve and extend the navigation of Black river.

(Passed December 16, 1815. *See last volume.*)

No. 2081. AN ACT for the creation of an additional circuit, so as to prolong the Terms in the Districts of Charleston, Colleton and Beaufort; and for other purposes therein mentioned.

(Passed December 13, 1815. *See last volume.*)

No. 2082. AN ACT to amend the charter of the Bank of South Carolina.

(Passed December 15, 1815. *See last volume.*)

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AN ACT to alter and amend the charter of the State Bank.

No. 2083.

(Passed December 13, 1815. *See last volume.*)

AN ACT TO VEST IN JAMES DOUGLASS A CERTAIN LOT OF LAND IN THE CITY OF CHARLESTON. No. 2084.

WHEREAS, James Douglass hath, by his petition to the Legislature, represented that his brother, John Douglass, late of Charleston, deceased, a citizen of the United States, was in his lifetime, and at the time of his death, possessed of a lot of land situate in the said city of Charleston, on the west side of Meeting-street, containing in front on the said street about sixty-five feet six inches, and in depth from east to west on the south side, two hundred and thirty-three feet, and on the back line ninety-six feet-six inches; which lot of land was formerly the property of James Sinkler, deceased, and is butting and bounding northwardly on lands now, or lately, belonging to Samuel Dickser, and southwardly on lands of the estate of John Reid; that the said John Douglass departed this life intestate, and his brother James Douglass became a citizen of the United States four days after the death of his said brother, and, as next of kin, entered upon, and possessed himself of the said real estate, and out of his own funds, and funds furnished by a surety to some of the debts, fully paid and satisfied all the demands against said estate, to an amount exceeding the value of the real and personal estate belonging thereto: and whereas, the City Council of Charleston, being satisfied of these facts, have declined prosecuting their suits for escheating the said real estate, and relinquished all claim or interest to the same:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title, interest or claim which has or may accrue to the State, in the said lot, by escheat or otherwise, be, and the same are hereby, vested in the said James Douglass, his heirs and assigns: *Provided nevertheless*, that nothing in this Act contained shall be construed to prejudice the rights of any person or persons having any mortgages or other incumbrances on the same.

Title vested in James Douglass.

In the Senate House, the fifteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, and in the fortieth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT TO ALTER THE MANNER OF ELECTING ALL DISTRICT OFFICERS, AND TO GIVE THE POWERS OF ELECTING THE SAME TO THE PEOPLE OF THEIR RESPECTIVE DISTRICTS. No. 2085.

WHEREAS, the time of the Legislature, which might be otherwise occupied in discussing the interests of the State, is too much engrossed in

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holding elections for district and local officers, and their attention diverted from objects of greater to minor importance: and whereas, the people are the better judges of the qualifications of the candidates for their district officers:

Clerks, &c., to
be elected by
the people.

I. *Be it therefore enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, that the clerks of the courts of common pleas and general sessions, commissioners of locations and ordinaries, in the several districts within this State, shall be elected by the citizens qualified by the constitution to vote for members of either branch of the legislature within the same; and for that purpose, an election shall be held on the second Monday, and the day following, in January next, and on the second Monday and the day following, in January in every year thereafter, in such of the districts as there may then be vacancies, to be conducted in the same manner, by the same managers, and to be holden at the same places as now are, or hereafter shall be, appointed by law, for the conducting, managing and holding elections for members of the legislature, to elect the officers aforesaid, for the several districts within this State, wherein any vacancy shall or may hereafter happen in the aforesaid offices, occasioned either by death, removal out of the State, resignation, removal from or expiration of office, or otherwise, of any person possessing the same; and it shall be the duty of the said managers in the several districts within the State, where such vacancies may occur, to give twenty days notice thereof, for an election to be holden to fill such vacancy, by advertising the same in the Gazette, if any be printed in the district, and by advertising the same at three public places, where such election is to be holden; and if no Gazette be printed in such districts, then by advertising the same on the court-house door, and at five other public places within such district; and the said managers shall meet at the court-house of the district where such election shall be holden, on the Thursday next after the election, to count over the votes and declare the election of the person who shall have the greatest number of votes; and certify to the governor such person elected (unless such election shall be contested in manner hereafter mentioned;) and upon such certificate being produced, the governor shall immediately thereon commission such person, upon his having first complied with all the requisitions now attached to the office for which such person shall be elected.

How to proceed in cases of contested elections.

II. *And be it further enacted* by the authority aforesaid, That if any person shall be disposed to contest the election of any person so elected to fill any of the offices aforesaid, he shall, on the day on which the votes are counted over, and the election declared, signify such intention in writing, so to do, to the managers, and the grounds on which he intends to contest the same; and the said managers shall thereupon be, and they are hereby, authorized and empowered to hear and determine such contested election, upon the grounds so to them stated: *Provided*, That no manager shall be permitted to sit upon the hearing and determining any contested election wherein he may have been a candidate to fill the vacancy for which said election was holden; and in case said election shall not be declared void, the said managers shall certify to the governor the person who is elected, and the office for which he is elected, who shall be commissioned in manner aforesaid.

Governor to fill vacancies.

III. *And be it further enacted* by the authority aforesaid, That the governor shall have power, and he is hereby required, to fill up all vacancies in either of the offices aforesaid, that shall take place, by the death, resignation, removal out of the State, removal from or expiration of

office, of any person possessing the same, or by any election for either of the aforesaid appointments being declared void by the managers as aforesaid, or where any two or more candidates shall have an equal number of votes, to hold under such appointment until such time as an election shall take place according to the provisions of this Act. A. D. 1815.

IV. *And be it further enacted*, That all laws regulating the elections of members to the general assembly, shall apply to the elections by this Act prescribed to be held for the officers aforesaid. What laws are to govern elections under this Act.

V. *And be it further enacted*, That clerks of the courts of common pleas and general sessions, commissioners of locations and ordinaries, hereafter to be elected under and by virtue of this Act, shall enter on the duties of their office on the second Monday in February next ensuing their election; and that no clerk of the court of common pleas and general sessions, commissioners of locations, or ordinaries, shall be commissioned until he or they shall have given bond and security in like manner as clerks of courts of common pleas and general sessions, commissioners of locations and ordinaries, are by law now bound to do; and that the commissions of said officers so to be elected shall be for the term of four years, conformably to the Act of the general assembly in such cases made and provided, to be computed from the second Monday in February in the year which said officer or officers shall be so elected. Officers elected under this Act, when to come into office.

In the Senate House, the fifteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, and in the fortieth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT to confirm the division of the City of Charleston into four Wards, as directed by an Act passed 19th December, 1809; and for other purposes therein mentioned. No. 2086.

(Passed December 13, 1815. *See last volume.*)

AN ACT TO ENABLE THE TRUSTEES APPOINTED TO CARRY INTO EFFECT THE LAST WILL AND TESTAMENT OF DOCTOR JOHN DE LA HOWE, TO DISPOSE OF CERTAIN REAL ESTATES OF THE SAID TESTATOR IN THE MANNER THEREIN MENTIONED. No. 2087.

WHEREAS, the agricultural society of South Carolina, by an Act entitled "An Act to enable the agricultural society of South Carolina to dispose of the estate of the late Dr. John De La Howe, in the manner therein mentioned," passed the twenty-first day of Decamber, one thousand seven hundred and ninety-nine; were empowered and authorized to sell and convey away all the estate, real and personal, of the late Dr. John De La Howe (excepting a tract to contain fifteen hundred acres of land,

Preamble.

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Trustees of Dr
La Howe to
sell the real
estate.

to be reserved for the school, including the spot and improvements upon the plantation called Lethe, whereon the testator died;) and whereas, the agricultural society of South Carolina did not sell and convey away any of the real estate of the said Dr. John De La Howe; and whereas, it appears the said lands are not only unprofitable, but are daily becoming less valuable, by reason of the frequent trespasses committed on them; and that it would conduce greatly to the advantage of the estate of the said testator that those lands should be sold:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the trustees appointed by an Act entitled "An Act relative to the estate of the late Dr. John De La Howe," passed the fourteenth day of December, one thousand eight hundred and five, to carry into effect the last will and testament of the said Dr. John De La Howe, shall have full power and lawful authority to sell and convey away, upon such terms and conditions, and at such time or times, place or places as they may deem most advantageous to their trust, the whole of the real estate, wheresoever and whatsoever, of the said Dr. John De La Howe, excepting a tract to contain fifteen hundred acres of land, to be reserved for the school, including the spot and improvements upon the plantation called Lethe, whereon the testator died; and the monies arising from such sales be vested in the said trustees, to be applied and appropriated according to the trust and terms of the testator's will; and that the said trustees do report to the legislature, at their next session, the terms and amount of such sales.

In the Senate House, the fifteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, and in the fortieth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2088. AN ACT FOR THE RELIEF OF JAMES BARKLEY, DAVID PETERSON, AND NATHANIEL WILLIAMS.

Preamble.

WHEREAS, James Barkley, by his petition, hath represented to the legislature of this State, that he had purchased of John Barkley, sheriff of Fairfield district, now deceased, a tract of land situate in the said district, and sold by virtue of an execution against one Zachariah A. Thomson, at the suit of Robert Flemming; and that he had paid for the same, although he had not obtained titles, before the death of the said John Barkley; and that after the death of the said John Barkley, he the said James Barkley was elected the sheriff of the said district, wherefore he is not able to obtain titles to the said tract of land: For remedy whereof,

Title to be
made to James
Barkley.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Jesse Havis, coroner of the district of Fairfield, be, and he is hereby, authorized and empowered to make and execute such titles to the said tract of land as would have been made by the said John Barkley in his lifetime, and that such title shall be held and taken as good and sufficient in law, to transfer, convey, and confirm all the estate, right, title,

property and claim of the said Zachariah A. Thomson, of, in or to the said premises, to the said James Barkley; any law, usage or custom to the contrary thereof in any wise notwithstanding. A. D. 1815.

II. And whereas, David Peterson, of the district of Newberry, by his petition, has represented to the legislature of this State, that he, about the first Monday in March, in the year of our Lord one thousand eight hundred and eleven, purchased three fifths of a tract of land lying and being in the district of Newberry, containing two hundred and fifty acres, being part of the real estate of John Turner, deceased, and sold as the property of John Turner, William Turner and William Burgess, heirs and legatees of the said John Turner, deceased, in pursuance of which said purchase, James Caldwell, Esquire, deceased, being then sheriff of the said district, made and executed titles to him for the same, and having neglected to record the said titles, and the same having been consumed with his dwelling house by fire, he the said David Peterson has lost the evidence of his being the purchaser and owner of the said land: For remedy whereof, and for the relief of the said David Peterson, *Be it further enacted* by the authority aforesaid, That Thomas T. Cureton, or his successor in office, be, and he is hereby, authorized and empowered to make and execute another title for the said tract of land, to the said David Peterson, which said title by the said Thomas T. Cureton, or his successor in office, shall be held sufficient in law to transfer all the estate, right and property of, in and to the said tract of land, to the said David Peterson, which they the said John Turner, William Turner and William Burgess, heirs and legatees of the said John Turner, deceased, had in and to the same at the time of the said sale.

To David
Peterson.

III. And whereas, Nathaniel Williams, of Edgefield district, hath represented to the legislature, that he has become the proprietor of a tract of land in said district, containing about two hundred acres, sold by John C. Allen, late sheriff of the said district, as the property of one Morris Roney, at the suit of William Melton, and that the said John C. Allen never made titles to the same: For remedy whereof, and for remedy of the said Nathaniel Williams, *Be it further enacted* by the authority aforesaid, That James Butler, now sheriff of the district aforesaid, do make and execute titles to the said Nathaniel Williams, for the tract of land aforesaid, which said titles so made shall be sufficient in law to transfer and convey all the estate, right and title of, in and to the said tract of land, to the said Nathaniel Williams, which he the said Morris Roney had or held in the same at the time of the sale thereof by the said John C. Allen; any law, usage or custom to the contrary thereof in any wise notwithstanding.

To Nathaniel
Williams.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, and in the fortieth year of the Independence of the United States of America.

THOS BENNETT, *Speaker of the House of Representatives*,
JAMES R. PRINGLE, *President of the Senate*.

AN ACT ratifying and confirming the convention between the Commissioners of the States of South Carolina and North Carolina, establishing the dividing line between the said States, concluded at Greenville, in the State of South Carolina, on the 2d day of November, 1815. No. 2089.

(Passed December 15, 1815. See vol. 1, p. 419.)

A. D. 1815.

No. 2090. AN ACT TO ESTABLISH ONE OR MORE LOTTERIES, THE PROFITS OF WHICH SHALL BE APPLIED TO THE ERECTION OF MASONIC HALLS, FOR THE GRAND LODGE OF SOUTH CAROLINA ANCIENT YORK MASONS, AND FOR THE BUILDING OF A LODGE ROOM FOR NUMBER SIXTY-NINE, UNDER THEIR JURISDICTION.

Preamble.

WHEREAS, from the benevolent design of masonic institutions, it is expedient to encourage the same :

Lottery authorized, to build Masonic Halls.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That one or more lotteries shall be established and drawn, and finally concluded and completed, the profits whereof shall be applied to the erection of a masonic hall at Columbia, and one in Charleston, for the use of the grand lodge of South Carolina Ancient York Masons, and that they be authorized from time to time, as often as the same may be necessary, to appoint commissioners to draw and conduct said lottery or lotteries : *Provided nevertheless*, That a profit not exceeding fifty thousand dollars shall be raised thereby.

To be managed by Commissioners.

II. *And be it further enacted* by the authority aforesaid, That said commissioners so to be appointed, or any three of them, shall adopt such scheme or schemes for the purposes aforesaid, as they shall judge most proper, and shall appoint such time and place for drawing said lottery or lotteries, as they may think most advisable.

Lottery in Georgetown.

III. *And be it further enacted* by the authority aforesaid, That a lottery shall be established and drawn, and finally concluded and completed, the profits whereof shall be applied to the building of a lodge room in the town of Georgetown, for lodge number sixty-nine, under the jurisdiction of said Grand Lodge of South Carolina Ancient York Masons : *Provided nevertheless*, that the profit to be raised thereby shall not exceed five thousand dollars ; and that Francis M. Baxter, Benjamin S. Hort, Alexander M'Gregor, and Thomas R. Mitchell, he, and they are hereby appointed, commissioners to conduct and manage the same ; and the said commissioners, or any three of them, shall adopt such scheme or schemes for the purposes aforesaid, as they shall judge proper, and shall appoint such time and place for drawing the same as they shall judge most proper.

In the Senate House, December the thirteenth, in the year of our Lord one thousand eight hundred and fifteen, and in the fortieth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2091. AN ACT to alter and amend an Ordinance entitled "An Ordinance to impower Commissioners therein named to cut and sink drains and water passages in the Swamp and Savannas formed by the North-east branch of Stono river," passed on the 16th day of March, 1783.

(Passed Dec. 16, 1815. See last volume.)

A. D. 1815.

AN ACT TO VEST IN THE STATE THE LANDS ON WHICH FORTIFICATIONS ARE ERECTED FOR THE DEFENCE OF CHARLESTON. No. 2092.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That the lands assessed by the commissioners under and by virtue of an act passed on the sixteenth day of December, in the year of our Lord one thousand eight hundred and fourteen, entitled, "An Act to appoint certain commissioners for the purpose of assessing the value of certain lands in the Parish of St. Philips, on which Fortifications are now erecting for the defence of Charleston, and for other purposes therein mentioned," be, and the same is hereby, vested in the State of South Carolina for ever; and that the Comptroller-General be, and is hereby, authorized and directed to draw orders on the treasury in favor of the owners of the said lands, or their lawful attorneys, for the payment of the sums due to them respectively; and where the titles to the said lands shall be in dispute, the Comptroller-General shall require the parties claiming the same to obtain the decision of some court of competent jurisdiction, determining their respective rights, before such payment shall be made.

Title to certain land, on which fortifications are erected, vested in the State.

II. *And be it further enacted* by the authority aforesaid, That the Governor and commander-in-chief do cause the return and assessment of the commissioners aforesaid, together with a correct plat of the said land, which plat shall be made by the engineer who constructed the works, the expense of which shall be paid by the governor, out of the contingent fund, to be duly proven and recorded in the office of the register of meane conveyance for the district of Charleston; and that a certified copy of such record shall always be held conclusive evidence of the right of the State to the land mentioned in such assessment; and that the original of said document shall be deposited, for safe keeping, in the office of the Secretary of State in Charleston.

Plat thereof to be recorded.

III. *And be it further enacted* by the authority aforesaid, That if any person shall wilfully molest, injure, or demolish any part of the said fortifications, break down the fences erected for their protection, or occupy, without authority, any part of the land hereby vested in the State, the person so offending shall be liable to be indicted for said offence, and on conviction shall be fined at the discretion of the court, in any sum not exceeding five hundred dollars; and if he cannot pay the fine, shall be imprisoned for any period not exceeding two months.


Penalty for trespass.

IV. *And be it further enacted*, That the city council of Charleston be, and they are hereby, authorized to appoint annually, on the first day of January or on the day following, five commissioners of fortifications, who shall be, and they are hereby, authorized to superintend the fortifications aforesaid; and they shall have power to rent out from year to year, such parts of the land aforesaid, and such of the buildings thereon, as can be so appropriated without injury to the works; and they shall receive the rents for the same, and account once in every year with the comptroller-general for the sums so received.

Commissioners to be appointed.

V. *And be it further enacted* by the authority aforesaid, That the sum of fifty-eight thousand one hundred and fifty dollars be appropriated for the payment of the sums due to the owners of the said lands respectively.

And be it further enacted by the authority aforesaid, That the commissioners of fortifications, under whose superintendence the fortifications

A.D. 1815.  were erected for the defence of Charleston, and all persons who were employed under them, or in any way concerned in the erection of the same, be, and they are hereby, protected from all suits, actions or molestations, on account of any trespass committed by them on the lands on which the said works are erected, or the lands adjoining the same, in the prosecution of the said work; and their several acts done in relation thereto, are hereby declared to be legal; any law, usage or custom to the contrary notwithstanding.

Commissioners protected.

Fishburn's bastion.

Whereas, the work called Fishburn's Bastion occupies a street which gives to the owners of sundry lots a southern front, of which, as well as of access to their lots by the nearest course, they are now deprived: For remedy whereof, *Be it enacted* by the authority aforesaid, that persons owning said lots be, and they are hereby, authorized to make a street around the said bastion, in front thereof, on the land belonging to the public.

In the Senate House, the thirteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, and in the fortieth year of the Sovereignty and Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2093. AN ACT TO AUTHORIZE AND EMPOWER THE SUPERINTENDANTS OF THE CATAWBA INDIANS TO INSTITUTE ACTIONS FOR TRESPASSES ON THEIR LAND; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble. WHEREAS, certain persons now hold possession of the lands belonging to the Catawba Indians, without obtaining a lease for the same from the head men or chiefs of the nation, agreeably to the act of Assembly passed the fifteenth day of December, one thousand eight hundred and eight, empowering the said Indians to lease the lands vested in them, and there is no power or authority in any person or persons to institute an action or actions at law to put such persons as hold their lands without a lease, out of the possession thereof: For remedy whereof,

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this act, the superintendants now appointed, or that may be hereafter appointed by the governor of this state, or a majority of them, shall be, and are hereby, authorized and empowered, in their own names, or in the names of a majority of them, as agents, to commence and prosecute an action or actions of trespass to try titles to the lands claimed by and vested in the said Indians, that is now or may hereafter be held in possession by any person or persons, without a lease from the head men or chiefs of the said nation of Indians, in pursuance of the act of the General Assembly aforesaid; and also in like manner, an action or actions of *quare clausum fregit*, for trespasses committed on the said lands; and also actions for injuries done to the personal property of the said Indians; and the damages recovered in any action to try titles, or in any action *quare clausum fregit*, or action for injury done to the personal property of the said Indians, shall be collected by the said superintendants, for the benefit of the said Indians.

Superintendants of Catawba Indians to sue for trespasses on their lands.

II. *And be it enacted* by the authority aforesaid, That the said superintend- A. D. 1815.
ants, or a majority of them, shall have power, in the same manner as they are
authorized to bring actions, to make distress for arrearages of rent now And make dis-
tress for rent.
due, or that may hereafter become due, or bring an action or actions to
recover the same, in any court having jurisdiction.

III. *And be it further enacted* by the authority aforesaid, That this shall be
deemed and taken as a public act, and judicially noticed as such, without This a Public
special pleading, and liberally construed for carrying the purposes afore- Act.
said into effect.

In the Senate House, the fifteenth day of December, in the year of our Lord one thou-
sand eight hundred and fifteen, and in the fortieth year of the Sovereignty and
Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT No. 2094.
HUNDRED AND FIFTEEN; AND FOR OTHER PURPOSES THEREIN MEN-
TIONED.

I. *Be it enacted*, by the honorable the Senate and House of Repre-
sentatives, now met and sitting in General Assembly, and by the authority Tax to be
of the same, That a tax, for the sums and in the manner hereinafter men- raised.
tioned, shall be raised, and paid into the public treasury of this State, and
for the use and service thereof.

II. *And be it further enacted* by the authority aforesaid, That forty-
five cents ad valorem on every hundred dollars, be paid in specie, paper Forty-five
cents advalo-
rem on lands.
medium, or in the notes of the incorporated banks of the State of South
Carolina, on all lands granted within this State.

III. *And be it further enacted* by the authority aforesaid, That one dollar
per head shall be levied upon slaves, of all ages and descriptions; and Tax on slaves,
city lots and
lands, faculties
and profes-
sions.
the sum of two dollars per head upon all free negroes, mulattoes and
mestizoes, (except such as shall be clearly proven to the collectors to be
incapable, from maims or otherwise, of providing a livelihood,) between
the ages of fifteen and fifty; and forty-five cents ad valorem on every
hundred dollars of the value of all lots and lands and buildings within
any city, town, village or borough; and one dollar per hundred dollars, on
all stock in trade, factorage, employments, faculties and professions, (cler-
gymen, schoolmasters, schoolmistresses and mechanics excepted,)—to be
ascertained and rated by the assessors and collectors throughout the State,
according to the best of their knowledge and information; to be paid in
paper medium, the notes of the banks in the State of South Carolina, or
specie.

IV. *And be it further enacted* by the authority aforesaid, That upon the
principal of every sum or sums of money at interest, the interest of which Tax on money
at interest.
is actually received, over and above what each person pays for interest, the
enquirers, assessors and collectors, and every of them, to whom the same
shall be returned, shall assess the sum of fifty cents on every hundred
dollars which shall have produced an interest of seven per cent., the stock
of this State and of the United States, excepted; and a proportionate

A. D. 1815.

sum on all other sums of money drawing less or more than seven per cent; to be recovered in like manner, in case of default, as the collectors have been authorized by law heretofore to do on their returns of lands and slaves.

Absentees
triple taxed.

V. *And be it further enacted* by the authority aforesaid, That any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall, for the use of this State, pay a triple tax on the same. But this clause shall not be construed to extend to the property of any person sent, or hereafter to be sent, abroad, in the employment of this State or of the United States, until one year after the expiration of his commission.

Penalty for not
returning money
at interest.

VI. *And be it further enacted* by the authority aforesaid, That in case any person or persons shall neglect to make a return of his, her or their monies producing interest, he, she or they shall be liable to suffer the same forfeitures and pay the same penalties as are inflicted by law in case of their refusing or neglecting to make a return of his, her or their lands or slaves.

Tax on plays
and shows.

VII. *And be it further enacted* by the authority aforesaid, That all persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other entertainment of the stage, or any part therein, and those that exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of three dollars per day, when they make those exhibitions; and the said sum of three dollars shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay over the same into the treasury annually. And in case of non-payment on demand, the clerks of the said courts, or any justice of the peace or quorum, are hereby authorized and required, forthwith to issue an execution, directed to the sheriff, or any constable of the said district, against the body or goods of the person or persons so liable to pay the same: *Provided nevertheless*, That nothing in this clause contained shall be so construed as to affect any town or city that is now incorporated.

Compensation
to tax collec-
tors.

VIII. *And be it further enacted* by the authority aforesaid, That the several tax collectors throughout the State, except in the parishes of St. Philip's and St. Michael's, shall be entitled to, and are hereby authorized to retain, as a compensation for collecting the taxes by this Act imposed, the sum of three and one half per cent; and the said tax collectors for St. Philip's and St. Michael's the sum of two per cent. upon the sums by them respectively collected; and that all Acts or parts of Acts repugnant to this clause be, and the same are hereby, repealed.

Phoenix Insur-
ance Company
authorized to
underwrite.

IX. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, the Phoenix Insurance Company shall be, and they are hereby, authorized and permitted to open and underwrite any policy or policies of insurance of any kind or nature whatsoever, within the limits of this State, as fully and completely as they were permitted to do anterior to the Act for raising supplies for the year eighteen hundred and fourteen; *Provided*, That the said company pay into the treasury of this State the sum of five thousand dollars annually.

Further indul-
gence granted
to C. Pinckney
and others.

X. *And be it further enacted* by the authority aforesaid, That a further indulgence, until the first day of January, one thousand eight hundred and seventeen, be, and the same is hereby, granted to Charles Pinckney, and the other surities of Daniel Doyley, for the debt due by them to the State.

XII. *And be it further enacted* by the authority aforesaid, That all returns hereafter of stock in trade shall have relation to the first day of January in each year, and not to the first day of October, as heretofore.

A. D. 1815.

Returns of
stock in trade,
how to be made

In the Senate House, the fifteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, and in the fortieth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND FIFTEEN, AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2095.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be respectively appropriated for the salaries of the public officers, and other expenses and purposes of government.

Preamble.

For the salary of the Governor, two thousand five hundred and seventy-two dollars.

Appropriations

For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of seven Judges of the courts of Common Pleas, each two thousand five hundred and seventy-two dollars.

For the salaries of five Judges of the Courts of Equity, each two thousand five hundred and seventy-two dollars.

For the salary of the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, as a full compensation for the discharge of all public duties incident to the office of Attorney General, one thousand dollars.

For the salary of the Comptroller-general, clerks and stationary included, as a full compensation for his services, three thousand dollars.

For the salaries of five Circuit Solicitors, in lieu of all charges against the State, for the performance of every public duty appertaining to their respective offices, each five hundred dollars.

For the salary of the Treasurer in Charleston, for transacting the business of the loan office, and clerks, two thousand six hundred and forty-eight dollars.

For the salary of the Treasurer in Columbia, including clerks, two thousand dollars.

For the salaries of the Clerks of the Senate and House of Representatives, each twelve hundred and thirty dollars, to be paid at the adjournment of the Legislature.

As compensation to the Clerk of the Court of Columbia, for his services in attending the Constitutional Court, one hundred and forty dollars.

As compensation to the Commissioner in Equity, for his attendance in the Court of Appeals in the court in Columbia, one hundred dollars.

As a compensation to the Clerk of the Court in Charleston, one hundred and forty dollars.

As compensation to the Sheriff of Richland district, for attending the Constitutional Court and Court of Equity at Columbia, one hundred dollars.

A. D. 1815.

As compensation to the Sheriff of Charleston district, for attending the Constitutional Court and Court of Appeals in Charleston, one hundred and fifty dollars.

As compensation to the keeper of the State House in Columbia, one hundred and thirty dollars.

For the salary of the Adjutant General, two thousand dollars.

For the salary of the Port Physician of Charleston, for boat hire and all other expenses incident to his office, one thousand dollars.

As compensation to the Arsenal keeper in Charleston, six hundred dollars.

As compensation to the Arsenal keepers and powder receivers at Camden and Abbeville, one hundred and fifty dollars each; and for the arsenal keepers and powder receivers for Georgetown and Beaufort, two hundred and fifty dollars each.

For the contract with the State Printers, a sum not exceeding two thousand dollars, if so much be necessary.

As compensation to the Pilot of the bar and harbour of Georgetown, three hundred and twenty-two dollars.

As compensation to the Pilot of the bar and harbor of Beaufort, three hundred and twenty-two dollars.

For Annuities, three thousand dollars.

For the Transient Poor, payable to the City Council of Charleston, four thousand two hundred and eighty dollars.

For the salary of the keeper of the Lazaretto of the port of Charleston, five hundred dollars.

As a contingent fund subject to the Governor's draft, for the expenditure of which he shall submit an annual account, ten thousand dollars.

For the expenses of the Members of the Legislature at the present session of the Legislature, and pay of the Solicitors for their attendance, seventeen thousand dollars; if so much be necessary.

As a compensation to the two Doorkeepers of the Legislature, each two hundred and fifteen dollars.

As compensation to two Messengers, each two hundred and fifteen dollars; to be paid at the adjournment of the legislature.

For the rent of the Governor's house in Columbia, two hundred and fifty dollars.

For aid in supporting the transient poor in Georgetown, the sum of five hundred dollars, to be paid to the commissioners of the poor of Prince George, Winyaw, to be laid out and expended by them for the use of the transient poor; the said commissioners to publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sum laid out for each, as may have been relieved by this fund; an account on oath to be returned to the comptroller-general, and by him submitted to the legislature.

For the discharge of the contingent expenses of the upper division of the State, a sum not exceeding six thousand dollars.

For the discharge of the contingent expenses of the lower division, six thousand dollars.

For the salaries of two tutors in the South Carolina College, each six hundred dollars.

For the salary of a Professor of Chemistry in the South Carolina College, sixteen hundred dollars.

For the pay of the magazine guard, to consist of an officer, sergeant, and twenty-four men, to be paid by and under the direction of the comptroller-general, eight thousand dollars.

II. *And be it further enacted* by the authority aforesaid, That the sum of six hundred dollars be, and the same is hereby, appropriated to the professor of logic and moral philosophy, and that the sum of six hundred dollars be, and the same is hereby, appropriated to the professor of languages, in addition to what each of the said professors is already allowed out of the funds annually appropriated to the South Carolina College; agreeably to a principle established by the appropriation of the year eighteen hundred and twelve, of the like sums for that purpose. A. D. 1815.

III. *And be it enacted* by the authority aforesaid, That the treasurer of Charleston, under the direction of the comptroller-general, in his presence and in the presence of the Governor, President of the Senate, Speaker of the House of Representatives, or in the presence of a majority of the persons above named, shall, as soon as convenient after the passing of this Act, cause all the paper medium of this State, now in the treasury, or that may be received previous to the next meeting of the Legislature, to be burnt: Provided, that the sum so burnt shall not exceed two thousand and sixty-one dollars; and the said treasurer is hereby required to report to the Legislature the amount of the medium which may be burnt pursuant to this Act. Paper medium to be burnt.

IV. *And be it enacted* by the authority aforesaid, That the treasurer, on receiving any money from the tax collectors, or any other person, shall give him or her two receipts for the same; and in case any treasurer shall neglect to furnish any person with two receipts as aforesaid, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than fifty dollars; to be recovered in any court having jurisdiction thereof; and the comptroller general, upon information made to him, shall take the necessary measures to cause the same to be recovered. Treasurers to give two receipts for money received by them.

For aid in supporting the transient poor in Beaufort, five hundred dollars, to be paid to the Town Council of Beaufort, who shall make an annual return on oath, to the comptroller-general, which by him shall be submitted to the legislature, containing the names and numbers of those relieved, and the sums appropriated for the benefit of each individual.

V. *And be it further enacted* by the authority aforesaid, That the sum of four hundred dollars be, and they are hereby, appropriated for the services of Lyon Levy, in the treasury of the lower division of this State, for the year one thousand eight hundred and fourteen, it being expressly understood that the said Lyon Levy is hereafter to receive no other compensation from the State for his services as clerk, but such as he may procure from the treasurer by whom he is or may be employed.

VI. *And be it further enacted* by the authority aforesaid, That the sum of ninety-five dollars be, and they are hereby, appropriated for Zebulon Rudolph, as a compensation for the board and glass tax of John Jones and John Farley, from the twentieth of February to the first of July last.

For E. Hammond, the present steward of the College, as a compensation for the board and glass tax of John Jones and John Farley, from the first of October to the seventh of December, eighteen hundred and fifteen; and for the board and glass tax of John Jones, from the seventh of December, eighteen hundred and fifteen, to the first of October, eighteen hundred and sixteen, one hundred and thirty dollars.

For Artemus B. Darby, for the rent of a house and lot occupied by the militia guard in 1813, when guarding the magazine on Charleston Neck, the same having been agreed to by the legislature at their last session, and no appropriation made, one hundred and twenty dollars.

For the quarter-master general's department, two thousand five hundred dollars.

A. D. 1815.

Balance of
school appro-
priation may
be drawn.

For the paymaster-general's department, one thousand dollars.

For the commissary-general of issues department, one thousand dollars. And the said officers are hereby authorized to pay such accounts as are properly vouched, for transportation and subsistence of the detachments of the militia of this State called out into the service of the United States, from their respective beats to the rendezvous where they were inspected by the officers of the United States.

To John Withers, for his expenses during his illness under a wound received in the service of the State, forty dollars.

To Captain Samuel Perrin, for rations furnished a detachment, one hundred and fifty-four dollars eighty cents.

For fitting up a library room for the two branches of the legislature, if so much be necessary, five hundred dollars.

VII. *And be it further enacted*, That the commissioners of the free schools shall be authorized to draw for the unexpended balance of the appropriations heretofore made for the schools in the several districts.

For procuring a map of this State, and to be subject to the order of the Governor, five thousand dollars.

For James Thompson, the sum of eighty-three dollars, being a balance remaining in the treasury on account of the sale of a negro.

For removing the magazine in Abbeville, fifteen hundred dollars, if so much be necessary.

For Thomas P. Evans, two hundred and ten dollars and ninety-six cents, for recording papers in the ordinary's office of Kershaw district.

For Doctor Wilson Brown, attending Barnwell gaol, fifty-two dollars and fifty-two cents.

For Doctor William Brazier, attending Edgefield gaol, forty dollars.

For Doctor Joseph Kirkland, attending magazine guard on Charleston neck, one hundred and ninety-eight dollars and thirty-seven and one half cents.

For Doctor James Moultrie, attending Charleston gaol, five hundred and seventy-one dollars and thirty-four cents.

For Doctor A. B. M'Whorter, for examining the body of a person supposed to be murdered in Edgefield, fifty dollars.

For building a court-house and gaol in Laurens district, five thousand dollars.

For the two volumes of Judge Desaussure's reports of chancery cases, two thousand four hundred dollars.

For John Hodges, four hundred and forty-five dollars ninety-five cents.

For William Adams, two hundred and twenty dollars fifty-nine cents.

For repairing the gaol in Pendleton district, one thousand five hundred dollars.

For repairing the gaol in Beaufort district, three hundred dollars.

For repairing the court-house in Newberry district, one hundred dollars.

For repairing the gaol in Richland district, three hundred dollars.

For repairing the gaol of Lexington district, two hundred and fifty dollars.

For repairing the court-house in Spartanburgh district, five hundred dollars.

For Martin Witt, for a negro executed, one hundred and twenty-two dollars forty-three cents.

For David Turner, for a negro executed, one hundred and twenty-two dollars forty-three cents.

For Jacob Killingsworth, for a negro executed, one hundred and twenty-two dollars forty cents.

For Hugh Campbell, for repairing the clerk's room in Colleton district, twenty dollars. A. D. 1815.

For Richard Goodlet, for carrying the returns of an election in Greenville district, twenty-one dollars.

For Thomas Harley, for the payment of witnesses attending court on a prosecution for hog-stealing, nineteen dollars.

For the assessors of Saint Philips and Saint Michaels, for the years eighteen hundred and fourteen and fifteen, three hundred and sixty dollars.

For quarter J. H. Stevens, of the eighth regiment of cavalry, three hundred and nineteen dollars, to be appropriated by him in the following manner: For himself, seventy-six dollars; for Captain Cattle, seventy-two dollars and seventy-eight cents; for Captain Stewart, one hundred and seventy dollars and twenty-two cents.

VIII. *And be it further enacted* by the authority aforesaid, That the sum of thirty-seven thousand dollars be appropriated for the support of free schools.

For the repairs of the court-house and gaol of Horry district, twelve hundred dollars.

For James Carson, four hundred and thirty-one dollars twelve cents, for an indent or public certificate.

For Saul Solomons, for provisions furnished a detachment of militia in the service of the United States, under the command of Col. Austin, whilst stationed at the Sisters ferry, four hundred and sixty-four dollars, upon proper vouchers being produced to the paymaster-general of this State.

For G. Chapman, eighty-two dollars, being so much by him expended in repairing the house on the public square, in which he resides.

For Hugh Alexander Nixon, as administrator of John Nixon, Thomas Fitzgerald, Henry Lawrance and James Carpenter, for services rendered on board the ship South Carolina, seven hundred and seventy-five dollars twenty-six cents.

IX. *And be it enacted* by the authority aforesaid, That the sum of six thousand dollars be appropriated for building a house for the safe keeping of the chemical and philosophical apparatus, and for greater convenience of making experiments in those branches of science.

For painting the State-house, making a stone pavement, a new fence around lot, &c., two thousand three hundred and forty dollars, if so much be necessary.

To John M'Kee, for his time and travelling expenses, and of guard, &c., in bringing a prisoner from North Carolina, by order of the Governor, the sum of ninety-four dollars.

As a compensation to Benjamin Buckner, in full of his account, sixty-one dollars fifteen and one half cents.

For Alexander M'Kee, for the payment of the interest on a sum of money expended by him in defending titles to land purchased from the State, ninety-one dollars and fifty-eight cents.

X. *And be it enacted* by the authority aforesaid, That five hundred additional copies of the acts and resolutions of the present session, be printed. Additional copies of Acts to be printed.

XI. *And be it enacted* by the authority aforesaid, That it shall be the duty of the treasurer of the upper division, as soon as the acts of the present session are printed, to transmit, by one or more expresses, to the clerks of the courts in the several districts, the number of copies to which they are respectively entitled; and for so doing, the persons who carry Treasurer to forward the Acts to the clerks of the courts.

A. D. 1815. the said acts shall receive at the rate of three dollars for every forty miles they shall travel in going and returning in the said service.

U. States tax to be assumed. XII. *And be it further enacted* by the authority aforesaid, That in case the government of the United States shall impose a direct tax on this State, and give to the State a right of assuming the same, it shall be the duty of the Comptroller-general, and he is hereby authorized and empowered, to assume the same on the part of this State, and to negotiate a loan or loans with the Bank of the State of South Carolina, for any sum or sums which may be necessary to pay the same, in addition to the balance which may be in the treasury of this State.

Part of a former Act repealed. XIII. *And be it further enacted* by the authority aforesaid, That so much of the act of the legislature, passed in the year one thousand seven hundred and ninety-four, which provides for the payment of brigade inspectors, be, and the same is hereby, repealed.

Further indulgence granted to E. G. Jaudon and M. Baldy. XIV. *And be it further enacted* by the authority aforesaid, That the comptroller be, and is hereby, authorized and required to suspend all proceedings at law or otherwise, against Elias G. Jaudon, and Mary Baldy, executrix of Stephen Baldy, deceased, surities of Thomas Hamilton, late a tax collector for St. Peter's parish: *Provided* the said Elias G. Jaudon shall pay the sum of four hundred dollars, and Mary Baldy the sum of two hundred dollars, into the treasury of this State, within three months after the passing of this act.

Commissioners appointed to repair Colleton Court House and Gaol. XV. *And be it enacted* by the authority aforesaid, That Richard Singleton, Joseph Koger, jun., William Oswald, and William Wilkinson, be, and they are hereby appointed, commissioners for repairing Colleton court house and gaol, and that they be, and are hereby, authorized to draw out of the treasury so much of the appropriation of one thousand eight hundred and thirteen, as may be necessary for the said court house and gaol.

For the purchase of copies of the rules and regulations for the infantry, and Hoyt's system for the cavalry, sufficient to supply every officer of the militia with one copy, a sum not exceeding five thousand dollars: And the governor is hereby authorized to take measures to carry this object into effect, and to furnish the said books, under such regulations as will compel every officer receiving a copy thereof, to deliver the same to his successor.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, and in the fortieth year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2096. AN ACT THE MORE EFFECTUALLY TO PREVENT THE PERNICIOUS PRACTICE OF GAMING.

Preamble

WHEREAS, the practice of gaming at taverns, inns, stores for the retailing of spiritous liquors, and other public houses, and any house intended or used as a place for gaming, and also in streets, highways, woods, racefields, or other open or public place, which must often be attended with quarrels and controversies, the impoverishment of many people, corruption

of the morals and manners of youth, who in such places frequently fall in company with lewd, disorderly and dissolute persons, who have no other way of maintaining themselves but by gaming, the tendency of which is vice, misery and crime, as examples in this state have abundantly proven:

A. D. 1816.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person or persons shall, at any time after the passing of this act, play at any tavern, inn, store for the retailing of spirituous liquors, or in any house used as a place of gaming, or in any barn, kitchen, stable or other out house, or in any street, highway, or in any open wood, highway, racefield or open place, at any game or games, with cards or dice, or at any gaming table commonly called A. B. C. or E. O. or any gaming table known or distinguished by any other letters, or by any figures, or roley poley table, or at *rouge* and *noir*, or at any faro bank, or at any other table or bank of the same or the like kind, under any denomination whatsoever (except the games of billiards, bowls, backgammon, chess, draughts or whist, when there is no betting on the said games of billiards, bowls, chess, backgammon or whist) or shall bet on the sides or hands of such as do game—any justice of the peace or of the quorum, may, upon view, or information upon oath before him, bind over to appear at the next court of sessions for the district in which such play shall be carried on, all and singular the said person or persons, who shall so play or bet, and shall require him or them to give good and sufficient security for his or their appearance thereat; and on his or their failure to give such security, shall commit him or them to the common goal of the said district; and shall also bind over the keeper or keepers of taverns, inns, stores for the retailing of spirituous liquors, public places, or houses used as a place for gaming, or other public house, to appear at the ensuing court of sessions; and every person or persons so playing, or betting on the sides or hands of such as do game, upon being convicted thereof upon indictment, shall be imprisoned for a period not exceeding twelve months, and shall forfeit a sum not exceeding five hundred dollars, one half to the use of the said State, and the other half to the use of the informer, upon the conviction of such offender; and every person so keeping such tavern, inn, retail store, public place or house used as a place for gaming, or such other public house, shall, upon being convicted thereof, upon indictment, be imprisoned for a period not exceeding twelve months, and forfeit a sum not exceeding two thousand dollars, for each and every offence, one half thereof to the use of the said State, and the other half to the use of the informer.

Gaming declared unlawful.

Penalty.

II. *And be it further enacted* by the authority aforesaid, That any person or persons who shall set up, keep, or use, any gaming table commonly called A. B. C. or E. O. or any gaming table known or distinguished by any other letters, or by any figures, or roley poley table, or table to play at *rouge* and *noir*, or any faro bank, or any other gaming table or bank of the like kind, or of any other kind for the purpose of gaming, (except the games of billiards, bowls, chess, draughts, backgammon,) upon being convicted thereof upon indictment, shall forfeit a sum not exceeding five hundred dollars, and not less than two hundred dollars.

Penalty for keeping a gaming table.

III. *And be it further enacted* by the authority aforesaid, That from and immediately after the passing of this act, each sheriff, deputy sheriff, coroner, and their deputies, and every justice of the peace and of the quorum, and all constables, shall, before they be qualified to act in their office, take an oath to enforce, and to the extent of their power and ability carry into effect, this act, and in all cases to bring to justice

Civil officers to take an oath to enforce this act.

A.D. 1816.

Offender may
be committed
until payment
of penalty is
made.

violations of the same, whenever such violations shall come within their view and knowledge.

IV. *And be it further enacted* by the authority aforesaid, That upon conviction of every person or persons under and by virtue of this Act, the court before whom such conviction shall take place, is hereby required to commit such offender to the common goal of the district where such conviction shall happen, for a period not exceeding twelve months, unless such offender shall sooner pay the fine or fines hereby imposed, together with the costs of prosecution.

License to be
withheld from
those convicted.

V. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for the commissioners of the roads, or any corporation or other persons having power to grant licenses for the retailing of spirituous liquors, to grant a license to any person or persons whosoever, who shall or may have been convicted of any of the offences created by this Act; and every such license is hereby declared to be null and void, and shall not be received in evidence upon an indictment for retailing spirituous liquors without license.

Money staked
to be forfeited.

VI. *And be it further enacted* by the authority aforesaid, That all and every sum or sums of money staked, betted, or pending on the event of any such game or games, are hereby declared to be forfeited; one half thereof to the State, and the other half to the informer or person seizing the same.

Suspected
house. may be
forcibly enter-

VII. *And be it further enacted* by the authority aforesaid, That any State Magistrate, the Intendant or any of the Wardens of the city, or the city marshal of Charleston, on information, by oath, of any credible witness, of such offence existing, be authorized to grant his warrant, under hand and seal, to break open and enter any closed door or rooms, wherever the said offences are alledged to prevail.

Informer exonerated and
freed from penalty.

VIII. *And be further it enacted* by the authority aforesaid, That all person or persons who might be subject or liable to the fines and penalties imposed by this Act, either for gaming at or keeping a gaming table or tables, shall, upon being permitted by the attorney, or any solicitor, to become evidence in behalf of the state, be freed and exonerated from the same; and shall, besides, be entitled to one half of the fines recovered from any individual upon his or their information.

Repeating
clause.

IX. *And be it further enacted* by the authority aforesaid, That so much, and no more, of any Act or law as is contrary to the provisions and to the true intent and meaning of this Act, be, and the same is hereby, repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen. and in the forty first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2097. AN ACT TO MAKE COMPENSATION TO PERSONS WHO SHALL SERVE AS COMMON PLEA AND PETIT JURORS AND CONSTABLES, FOR THEIR ATTENDANCE AT COURTS.

Preamble.

WHEREAS, it is proper in every well regulated republic, that the duties of the citizen should be so ordered as not to press with greater severity on one class than on another; and whereas, the duties which the

citizens of this State have to perform as jurymen, become burthensome on the poorer class of the community, who, from the scantiness of their means, cannot defray the expenses incident to their attendance on courts in that character, without manifest injury to their families :

A. D. 1816.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That from and after the passing of this Act, every person who shall be drawn to serve, and shall attend to serve at any court in this State, as a petit juror, shall receive for his services one dollar per day for every day he shall so attend as a common plea and petit juror.

Juror to receive \$1 per day.

II. *And be it further enacted* by the authority aforesaid, That each constable throughout this State, shall, for his services in attending the duties of his office, at any court in this State, receive one dollar per day, for each day he shall so serve: Provided that no more than five constables shall receive pay for services at any one court, except at the courts in Charleston, where not more than nine shall so receive pay for their services.

Constables to receive \$1 while attending court.

III. *And be it further enacted* by the authority aforesaid, That immediately after the conclusion of each court where common plea and petit jurors serve, each juror shall, before the Clerk of such court, prove on oath the number of days he shall have served, or attended to serve, as a petit juror at such court. And each constable that shall have actually served at such court as constable, shall prove on oath, to the satisfaction of the Clerk of such court, the number of days that he shall actually have so served; and it shall be the duty of each Clerk of such court, at the conclusion of each court, to make out a roll of the petit jurors and constables that shall have attended as aforesaid at such court, exhibiting the name, time of service, and amount due each petit juror and constable, and the term at which the service was performed, and shall enter the same on the minutes of the court of the term when such service shall be performed, and shall forthwith transmit to the Comptroller of the State a certified copy of such jury and constable roll; and shall furnish each petit juror and constable with a certificate in the following form.

Juror and Constable to make oath of number of days.

"State of South-Carolina. I, A. B. clerk of the court of sessions and common pleas for district, in the said State, do certify that at- tended as a petit juror, (or actually served as a constable, as the case may be) for said district days at term, A. D. and is entitled to receive for the same dollars:" each of which certificates shall be signed by the clerk of the court who shall issue the same, and countersigned by the judge who shall preside at the court where such services shall be performed. And such certificates, so to be issued and signed, shall be payable at the treasury of the upper or lower division of this State, on demand, and shall be received by any of the tax-collectors of this State in payment of state taxes.

Roll of jurors and constables to be made.

IV. *And be it enacted* by the authority aforesaid, That each of the clerks of sessions and common pleas of this State shall be entitled to receive from the State, at each court, for the services imposed on him or them by this Act, five dollars per week.

Clerks to receive \$5 for the roll, &c.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives*

A. D. 1816.

No. 2098. AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT TO LIMIT THE TERM OF SERVICE OF CERTAIN OFFICERS WHO HAVE HERETOFORE HELD THEIR OFFICES DURING GOOD BEHAVIOUR, AND FOR OTHER PURPOSES THEREIN MENTIONED," PASSED THE 17TH DAY OF DECEMBER, 1812.

Preamble. WHEREAS, it is improper that clerks of the courts of general sessions and common pleas, registers, masters and commissioners of the courts of equity, who were in office before and at the time of the passage of the above mentioned Act, and held commissions during good behaviour, should be deprived of their offices whilst they continue faithfully to perform their respective duties; and whereas, by the terms of the said Act, such clerks, registers, masters and commissioners in equity, are required to go out of office at a period therein mentioned: for remedy whereof,

1. *Be it enacted*, That clerks of courts, and registers, masters and commissioners, as aforesaid, who were in office on the seventeenth day of December, one thousand eight hundred and twelve, and who held their offices during good behaviour, shall not be affected by the above mentioned Act, but shall continue to hold their offices in the same manner as if that Act had never been passed; any thing therein contained to the contrary hereof notwithstanding.

Clerks, Registers, Masters and Commissioners to hold office during good behaviour.

In the Senate House, December the nineteenth day, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2099. AN ACT to make all the Officers of the Militia of this State elective.
(Passed December 19, 1816. *See last volume.*)

No. 2100. AN ACT to provide a more expeditious mode for disposing of the cases on the Dockets of the Constitutional Courts at Charleston and Columbia.

(Passed December 19, 1816. *See last volume.*)

A. D. 1816.

AN ACT TO RELIEVE THE JUDGES FROM THE NECESSITY OF GIVING SEPARATE OPINIONS IN APPEAL CASES, AND TO PROVIDE FOR THE PUBLICATION OF SUCH OPINIONS, FOR THE INFORMATION OF THE PEOPLE. No. 2101.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall not hereafter be necessary for the judges of the appeal courts, either of law or equity, to give separate opinions in cases decided by them, except where they shall think proper so to do; but the opinion of every such court shall be written by one of the judges thereof, and read at the time the decision shall be made, and signed by all the judges who concur therein, and then be deposited with the clerk or register, together with such a report of the case from the circuit judge who tried the same, as shall be necessary to give information of the points decided. Judges of Appeal Courts not required to deliver separate opinions.

I. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the judges of the said appeal courts to select for publication all important opinions given by said courts, and to direct the clerk or register to transmit copies of the same, together with the reports of the cases, once in every year, to the State printer in Columbia, whose duty it shall be to publish the same with the Acts of the legislature at the close of every session; and the said clerks and registers shall be entitled to receive from the State the same fees for said service as they receive for copies of records made in other cases. Decisions to be published.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America.

THOS. BENNETT, *Speaker of the House of Representatives.*
JAMES R. PRINGLE, *President of the Senate.*

AN ACT TO AUTHORIZE THE PRESIDENT AND DIRECTORS OF THE BANK OF THE STATE OF SOUTH CAROLINA TO CALL IN THE PAPER MEDIUM LOAN OFFICE BONDS, AND TO ESTABLISH A BRANCH BANK IN GEORGETOWN. No. 2102.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and it is hereby enacted by the authority of the same, That the President and Directors of the Bank of the State of South Carolina be, and they are hereby, authorized and empowered to require the treasurer of the lower division to call in and demand payment of the bonds due to the paper medium loan office, or such part thereof as they, the said President and Directors, shall think proper; and the said treasurer is hereby authorized and directed, whenever so required, to give at least three months notice in one or more of the newspapers of this State, of the part or portion required to be paid; and in case of non-compliance with the requisitions in such notice contained, the treasurer Paper medium loan office bonds to be called in.

A. D. 1816.

aforesaid is hereby required to sell, or cause to be sold, the land mortgaged for the payment of such bonds as shall not be paid according to the provision of the Act in such case made and provided: *Provided nevertheless*, the said President and Directors do not require the treasurer to call in and demand payment of more than one third annually, of the amount of any bond so due to the paper medium loan office.

II. *And be it further enacted* by the authority aforesaid, That the President and Directors of the Bank of the State of South Carolina shall, whenever they may deem it expedient, establish a branch of the said Bank at Georgetown, with like powers and authorities, and in like manner, as the branch now established at Columbia.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2103. AN ACT TO SECURE THE JUST RIGHTS OF MECHANICS, HANDICRAFTSMEN, AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, every master mechanic, handicraftsman and artificer, who shall erect, improve or repair any building whatsoever, shall have a legal lien upon the building so erected, improved or repaired, for the amount justly due him for the erection of such building, improvement or repairs: *Provided*, a memorandum or agreement in writing, in nature of a contract, be signed, in presence of one or more witnesses, by the parties to such contract; and the proprietor of the premises, or some other person lawfully authorized in writing by them, on which such building, improvement or repairs were erected or done, which contract or agreement shall contain a particular account of the work to be done, the materials to be furnished, and a general description of the said premises, and be recorded in the office of the register of mesne conveyance for the district in which such buildings are erected or the improvements or repairs may be done: *Provided*, That such lien shall in no case be for a greater sum than the just value which such building, improvement or repairs shall give to the lands upon which the same may be erected: *And provided also*, That no such lien shall take effect or commence before the date of the recording of such contract or memorandum executed in manner and form aforesaid; nor shall such lien in any case ever continue or remain of force for a longer period than three years after the date thereof.

II. *And be it enacted* by the authority aforesaid, That nothing herein contained shall be construed to impair any prior lien on such building so to be erected.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

A. D. 1816.

AN ACT TO ENABLE ASSIGNEES OF JUDGMENTS AND DECREES TO No. 2104.
BRING SUIT IN THEIR OWN NAMES.

WHEREAS, it is expedient and just that the assignees of judgments and decrees, whether at law or in equity, should be enabled to sue in their own names :

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all assignees of judgments and decrees of any court of law or equity, shall be, and they are hereby, authorized to bring suits thereupon in their own names, styling themselves assignees, in the same manner and subject to the same equities as the assignees of bonds, bills and notes not negotiable. Assignees of judgments or decrees may bring suit in their own names as assignees.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT to alter the times appointed for holding the Courts of No. 2105.
Common Pleas and General Sessions in the Southern and South-eastern Circuits of this State.

(Passed December 19, 1816. *See last volume.*)

AN ACT TO INCREASE THE NUMBER OF JUSTICES OF THE QUORUM No. 2106.
AND OF THE PEACE IN THE DISTRICTS OF EDGEFIELD, SPARTANBURGH,
AND OTHER DISTRICTS THEREIN MENTIONED.

WHEREAS, it is expedient and necessary to increase the number of justices of the quorum and of the peace in several districts of this State:

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, that from and immediately after the passing of this Act, the number of justices of the quorum and of the peace in the district of Edgefield be, and the same are hereby, increased to the number of four justices of the quorum and six justices of the peace more than the number now allowed by law. Justices of Peace and Quorum increased in certain districts.

For the district of Spartanburgh, two justices of the quorum and two justices of the peace more than the number now allowed by law.

For the district of Abbeville, one justice of the quorum and one justice of the peace more than the number now allowed by law.

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For the district of Greenville, two justices of the quorum more than the number now allowed by law.

For the district of Lancaster, two justices of the quorum more than the number now allowed by law.

For Lexington district, one justice of the quorum more than the number now allowed by law.

For Chester district, one justice of the quorum more than the number now allowed by law.

For Kershaw district, one justice of the quorum more than the number now allowed by law.

For Chesterfield district, one justice of the quorum more than the number now allowed by law.

For Marlborough district, one justice of the quorum more than the number now allowed by law.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2107. AN ACT to prohibit the importation of Slaves into this State from any of the United States ; and for other purposes therein mentioned.

(Passed December 19, 1816. See last volume.)

No. 2108. AN ACT TO PROHIBIT THE ISSUING OF BILLS OR NEGOCIABLE NOTES UNDER THE DENOMINATION OF ONE DOLLAR ; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Bills or negotiable notes under \$1, (Bank of the State excepted) not to be passed or received.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of May next, all bills, or promissory notes, payable to order or bearer, which shall be issued by any individual or company, or body corporate, the Bank of the State of South Carolina excepted, within this State, for any sum or sums under one dollar, shall be void ; and any person or persons who shall pass, or attempt to pass, or receive any such bill in payment, shall be liable to be indicted therefor, and, on conviction thereof, shall be fined not exceeding ten dollars.

No bank, but that of the State, to issue any bill under \$5.

II. *And be it further enacted* by the authority aforesaid, That from and after the first day of January, in the year of our Lord one thousand eight hundred and eighteen, any person or persons who shall, within this State, pass, or attempt to pass, or receive in payment, any bill or bills purporting to be bill or bills of any bank or body corporate, the bills of the Bank of the State of South Carolina excepted, of a lower amount or denomination than five dollars, shall be liable to be indicted therefor, and, on conviction thereof, shall be fined not exceeding the sum of fifty dollars.

III. *And be it further enacted* by the authority aforesaid, That the comptroller-general of this State, shall, forthwith, cause this Act to be published four times in one of the Gazettes of each district of this State where a Gazette is published.

A. D. 1816.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT to continue in force an Act entitled "An Act to incorporate the Town of Beaufort;" and for other purposes therein mentioned. No. 2109.

(Passed December 19, 1816. *See last volume.*)

AN ACT TO ESTABLISH AND CONFIRM THE BOUNDARY LINE BETWEEN ST. GEORGE'S, DORCHESTER, AND ST. JAMES, GOOSE-CREEK, WHICH HAS BEEN RUN OUT BY COMMISSIONERS APPOINTED FOR THAT PURPOSE; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2110.

WHEREAS, the Legislature of this State, by an Act passed at Columbia, in December, in the year of our Lord one thousand eight hundred and nine, appointed Elisha Mallard, James Dehay, George Keckly, James R. Stewart, David Rumph, sen., and Jeremiah Russell, commissioners for running out and marking the lines between the said parishes: And whereas, the said commissioners have reported thereon, and certified a plat of the lines between the said parishes:

Preamble.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the parish of St. James, Goose-creek, shall hereafter be bounded by a line beginning at the corner of the lower line of the parish of St. George, and the upper line of St. Andrew's parish, where it intersects the parish line of St. James, Goose-creek; from thence a direct north-west course, until it strikes the Four-hole swamp; from thence taking the channel of the said Four-hole swamp until it intersects the Orangeburg line in the said swamp or bay; as is represented by a plat certified by John Wilson, Esquire, employed for the purpose by commissioners appointed for the same.

II. *And be it further enacted* by the authority aforesaid, That the plat made and certified by the commissioners, or a majority of them, shall be held, deemed and taken as representing the boundary and division of the parishes herein mentioned; any law, usage or custom to the contrary notwithstanding.

Plat to represent boundary.

A. D. 1816.

III. *And be it further enacted* by the authority aforesaid, That all acts, and parts or clauses of Acts, repugnant hereto, be, and the same are hereby, repealed.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2111. AN ACT to incorporate the Winyaw and Wando Canal Company ;
and for other purposes therein mentioned.

(Passed December 19, 1816. See last volume.)

No. 2112. AN ACT TO INCREASE THE PENSIONS OF CERTAIN PERSONS WITHIN
THIS STATE.

WHEREAS, the pensioners of the revolutionary war, now living, who, from their advanced age, have become unable to work, and have no means whereby to maintain themselves, shall be entitled to the following increase of annuity, upon the condition herein set forth :

Annuity of
Revolutionary
Pensioners
increased.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, each pensioner of the revolutionary war, who shall produce from under the hands and seals of three justices of the quorum or of the peace, and one member of the legislature, of the district wherein such pensioner may reside, that said pensioner is of good character, and in their opinion entitled to an increase of annuity, shall be entitled to receive annually the sum of sixty dollars ; any law, usage or custom to the contrary notwithstanding.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2113. AN ACT to open and extend Pinckney-street, in the City of Charleston, to Meeting-street.

(Passed December 17, 1816. See last volume.)

A. D. 1816.

AN ACT to establish a Court of Equity for Sumter District; and No. 2114.
for other purposes therein mentioned.

(Passed December 19, 1816. *See last volume.*)

AN ACT TO AUTHORIZE A LOTTERY FOR THE RELIEF OF THE LATE No. 2115.
SUFFERERS BY FIRE AT PICKENSVILLE.

WHEREAS, it hath been represented to the Legislature, that a number of persons have lately sustained considerable losses by fire at Pickensville, and praying for the establishment of a lottery for the benefit of the said sufferers: Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a lottery shall be established and drawn, and finally concluded and completed, the profits whereof shall not exceed ten thousand dollars, after deducting the necessary expenses attending the same, and shall be divided between and among the persons who have actually sustained a loss by the late fire at Pickensville, in proportion to their respective losses, should the loss and injury which they have actually sustained amount to so much; which loss and injury each person entitled to, and claiming the relief intended by this act, shall prove and establish to the satisfaction of the commissioners hereinafter named to conduct and manage the same. Lottery authorized at Pickensville.

II. *And be it further enacted* by the authority aforesaid, That John T. Lewis, Joseph Gresham, James C. Griffin, Robert Anderson, and Walter S. Adair, Esquires, shall be, and they are hereby appointed, commissioners to conduct and manage the said lottery; and that they, or any three of them, shall adopt such scheme or schemes for the purposes aforesaid, as they may judge most proper, and shall appoint such time and place for drawing the same, as they may deem most adviseable; and that the commissioners shall pay unto each of the said persons, one half of the amount of the loss which he shall have proven to them to have sustained, as soon as they shall have received a sum sufficient to enable them to pay the same with propriety; and the remainder when the said lottery shall be drawn and completely concluded. Commissioners

III. *And be it enacted* by the authority aforesaid, That if any balance shall remain in the hands of the commissioners after deducting the necessary expenses attending the establishing and conducting the lottery aforesaid, and the payments hereby authorized to be made, they shall apply the same to the benefit of some charitable or public institution in the said district; and that they shall report to the legislature of this State the manner in which they have actually applied the money to be raised in pursuance of this Act. In case of surplus.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

A. D. 1816.

No. 2116.

AN ACT TO VEST CERTAIN PROPERTY IN MARY ANN HOOKER.

Preamble.

WHEREAS, Mary Ann Hooker has, by her petition to the Legislature of this State, set forth that Claud Simmons, late of Columbia, deceased, by his last will and testament, executed in due form of law, devised to her the said Mary Ann Hooker, then Mary Ann Chapman, a certain house and lot in the town of Beaufort, in the State aforesaid; and whereas, the said Mary Ann Hooker afterwards intermarried with John Hooker, late of Columbia, deceased, with whom, by decree of the court of Equity at Columbia, the said Mary Ann exchanged the said house and lot in the town of Beaufort for a certain other house and lot in the town of Columbia, on Assembly street and Plain street, in which last mentioned house and lot the said Mary Ann Hooker now holds an estate and interest, to the same extent and in the same manner as the said house and lot in the town of Beaufort was vested in her by the said last will and testament of the said Claud Simmons; and that she is advised, that in case of her death without issue of her body, the said house and lot in the town of Columbia, which she accepted in exchange therefor, will escheat to the State: for remedy whereof,

Title vested in
Mary Ann
Hooker.

I. *Be it enacted* by the honorable the Senate and house of Representatives, now met and sitting in general assembly, and by the authority of the same, That all right, title, interest and estate, which the State of South Carolina now has, or may hereafter have, of, in and to the said house and lot in the town of Columbia, be, and the same is hereby, vested in the said Mary Ann Hooker and her heirs and assigns for ever; and that all right, title, interest and estate which the said State has, or hereafter may have, of, in and to the said house and lot in the town of Beaufort, be, and the same is hereby, vested in the heirs or devisees of the said John Hooker, in fee simple; any law, usage or custom to the contrary notwithstanding.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2117. AN ACT to incorporate the Williamsburgh Library Society, and other Societies therein mentioned.

(Passed December 19, 1816. *See last volume.*)

No. 2118. AN ACT to incorporate the Societe Francaise of the City of Charleston.

(Passed December 17, 1816. *See last volume.*)

A. D. 1816.

AN ACT TO CONFIRM THE TREATY BETWEEN THE STATE OF SOUTH CAROLINA AND THE CHEROKEE INDIANS, RELINQUISHING THE TITLE OF THE SAID NATION OF CHEROKEE INDIANS TO THAT PART OF THEIR TERRITORY LYING WITHIN THE CHARTERED LIMITS OF THIS STATE; FOR APPOINTING COMMISSIONERS TO RESURVEY AND LAY OUT THE SAID LANDS; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, the Legislature of the State of South Carolina, on the fourteenth day of December, in the year of our lord one thousand eight hundred and fifteen, among other things did Resolve, that the Governor be authorized and requested to appoint one or more agents, with full powers to negotiate for, and extinguish, in conjunction with the agents on the part of the Government of the United States, the Cherokee title to that part of their territory lying within the chartered limits of this State: And whereas, his excellency David R. Williams, Governor of the said State, did make an application to the President of the United States to extinguish the claim of the said Cherokee nation of Indians to that part of their lands which lie within the boundaries of the said State, as lately established and agreed upon between the said State of South Carolina and the State of North Carolina: And whereas, in pursuance of the above recited powers, a treaty was concluded at the city of Washington, on the twenty-second day of March, in the year of our lord one thousand eight hundred and sixteen, whereby the said Cherokee nation did cede to the said State of South Carolina all that tract of country described by the following lines, that is to say: Beginning at the east bank of the Chatuga river, where the boundary line of the Cherokee nation crosses the same, running thence with the said boundary line to a rock on the Blue Ridge, where the boundary crosses the same, and which rock has been lately established as a corner to the States of North and South Carolina, running thence south sixty-eight and a quarter degrees west, twenty miles and thirty-two chains, to a rock on the Chatuga river, at the thirty-fifth degree of north latitude, another corner of the said boundary agreed upon by the States of North and South Carolina, thence down and with the said Chatuga river to the beginning: And whereas, the said Cherokee nation did reserve several tracts of land, each to contain six hundred and forty acres, within the said limits, that is to say: one tract to Samuel Adair, an improvement on the Village creek, waters of Toogaloo river; one tract to Sally Nicholson, an improvement on the waters of Keowee river; one tract to Nancy Stare, an improvement on the Village creek, adjoining to Samuel Adair's improvement; one other tract to Walter Adair, on Chatuga river, at a place called Chatuga Old Town; one other tract to Samuel Martin, on the waters of Keowee river:

Lines of the
cession of the
Cherokee
nation.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That the said treaty, and every article and clause thereof, be, and the same is hereby, accepted, approved and confirmed; and the boundaries therein and thereby agreed upon, are hereby confirmed and established, and shall forever be the boundary lines between the said State of South Carolina and the said Cherokee nation.

Treaty with
the Cherokees
confirmed.

II. *And be it further enacted* by the authority aforesaid, That an authenticated copy of the said treaty shall be duly recorded and kept in the office of the secretary of this State at Columbia.

A. D. 1816.

To be part of
Pendleton.Inhabitants
there to have
all the privi-
leges of citi-
zens of Pendle-
ton.Governor to
appoint com-
missioners to
survey the ter-
ritory.

III. *And be it further enacted* by the authority aforesaid, That all that portion or tract of land contained within the limits described in and by the said treaty, shall be taken and regarded, to all intents and purposes, as forming a part of the judicial district of Pendleton, and the lines in the said treaty mentioned shall from henceforth form part of the boundary of the said judicial district of Pendleton.

IV. *And be it further enacted* by the authority aforesaid, That all free white persons, being citizens of the United States, heretofore residing, and continuing to have his or her permanent residence, in the territory ceded by the said treaty to this State, shall be entitled to and possess all the rights, immunities and advantages which the citizens of the present district of Pendleton now do, or shall hereafter, possess or enjoy; and be in like manner subject to the payment of taxes, and liable to militia, and all other duties, and subject to all laws to which the citizens of the said district of Pendleton now are, or may hereafter be subjected or made liable to, under the laws of this State.

V. *And be it further enacted* by the authority aforesaid, That the Governor be, and he is hereby, authorized and empowered to nominate and appoint three commissioners to make an actual survey and demarcation of the lines and boundaries mentioned and contained in the said treaty, as circumscribing the lands ceded to this State by the said treaty; and that the said commissioners shall cause and procure all the lands mentioned within the said treaty aforesaid, to be surveyed and platted off into tracts containing not less than one hundred acres, nor more than five hundred acres; and that they return a plat of the said territory so ceded as aforesaid, to the Legislature of this State at their next meeting; and for that purpose the said commissioners are hereby authorized and empowered to employ one or more surveyor or surveyors, if more than one should by them be thought necessary, to complete the said survey before the next meeting of the Legislature.

VI. *And be it further enacted* by the authority aforesaid, That the expenses to be incurred in making the said survey, and all other incidental expenses, shall be paid by the Governor, out of the contingent fund.

VII. *And be it further enacted* by the authority aforesaid, That for the performance of militia and patrol duty, the inhabitants of the said ceded territory be added to the eighteenth and nineteenth regiments of militia, the commanders of which are hereby authorized to divide the said territory into companies.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2120. AN ACT TO ENABLE AND AUTHORIZE SERENUS MAYER TO MANUMIT AND SET FREE, BY HIS LAST WILL AND TESTAMENT, CERTAIN SLAVES.

WHEREAS, Serenus Mayer has, by his petition, shewn good reasons why he should be permitted to emancipate from slavery, by his last will

and testament, the following slaves now belonging to him, to wit: a mulatto wench slave named Beck, and her children, named Molsy, Maryan, Abram and Sylvia :

A. D. 1816.

I. *Be it therefore enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Serenus Mayer be, and he is hereby, authorized and empowered to emancipate and set free, by his last will and testament, the above named slaves, Beck, and her children, Molsy, Maryan, Abram and Sylvia.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of American.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE CITY COUNCIL OF CHARLESTON, WITH THE CONSENT OF CONGRESS, TO IMPOSE AND LEVY A DUTY ON THE TONNAGE OF SHIPS AND VESSELS OF THE UNITED STATES, ARRIVING FROM FOREIGN PORTS, FOR THE MAINTENANCE OF A MARINE HOSPITAL; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2121.


WHEREAS, the Congress of the United States did, on the twenty-ninth day of April, of the present year, pass an Act, whereby it is enacted "that the consent of Congress be, and is hereby, granted and declared to the operation of any Act of the General Assembly of the State of South Carolina, now in existence, or which may hereafter be passed, so far as the same extends, or may extend, to authorize the City Council of Charleston to impose and levy a duty, not exceeding ten cents per ton, on all ships and vessels of the United States, which shall arrive and be entered in the port of Charleston, from any foreign port or place, for the purpose of providing a fund for the temporary relief and maintenance of sick or disabled seamen in the marine hospital of the said port of Charleston; and that the collector of the port of Charleston be, and he is hereby, authorized to collect the duties imposed or authorized by the said Act, and to pay the same to such persons as shall be authorized to receive the same by the City Council of Charleston;" which said Act is therein declared to be in force for five years from the passing thereof, and from thence to the end of the next session of Congress thereafter, and no longer:

Preamble.

I. *Be it therefore enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the City Council of Charleston be, and they are hereby declared fully, authorized to contract with the United States for the support and maintenance, management and control of a marine hospital, for the port of Charleston, and on such terms as from time to time shall be stipulated by Congress, or by the government of the United States, and as in the opinion of them, the said City Council, will tend to the interests of the said humane institution.

City Council to contract with U. States for support of a Marine Hospital in Charleston.

II. *And be it further enacted* by the authority aforesaid, That the said City Council of Charleston be, and they are hereby, authorized, agreeably to
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A. D. 1816.  the aforesaid Act of Congress, or pursuant to any future Act which shall be passed by Congress, to impose and levy a duty of ten cents per ton, or any duty whatever that shall hereafter be sanctioned or authorized by Congress, on all ships and vessels of the United States, which shall arrive and be entered in the port of Charleston, from any foreign port or place; and also receive from the United States, or the government thereof, any grant or compensation whatever, which shall or may from time to time be granted or allowed for the providing relief and the maintenance of sick or disabled seamen in a marine hospital for the port of Charleston.

City Council to
levy a duty of
10 cts. per ton.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2122. AN ACT TO VEST IN THE INCORPORATED VESTRY OF THE PARISH OF SAINT THOMAS, POWER TO DISPOSE OF A CERTAIN TRACT OF LAND THEREIN MENTIONED.

Preamble.

WHEREAS, Richard Beresford, Esquire, deceased, did, in his last will and testament, give and bequeath unto the vestry aforesaid, a certain sum of money for charitable purposes therein mentioned, and among others, for the purchase of land on which they were to erect a school-house for the education of the poor of the said parish: And whereas, the vestry aforesaid did, conformably to the will and intent of the above mentioned testator, purchase a certain tract of land and erect a school-house thereon: And whereas, the vestry for the time being are of opinion it is incompatible with the true interest of the aforesaid bounty to retain the aforesaid tract of land, being more than necessary for all the purposes of the said school, inasmuch as it is an inactive and unproductive capital: And whereas, by the fifth clause of an Act passed on the twentieth day of June, in the year of our Lord one thousand seven hundred and thirty-six, incorporating the aforesaid vestry, they are prohibited, except by law, from selling or exchanging any of the lands, tenements or hereditaments already given to or purchased for the benefit of, or which may hereafter belong to, said charity:

Vestry to dispose of a certain tract of land.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the incorporated vestry of the parish of Saint Thomas, and their successors in office, shall be, and they are hereby, authorized and empowered to dispose of the aforesaid tract of land, with the exception of that part on which the school house is erected, and as many acres around as they shall deem necessary for all the purposes of said school; and that they shall make the proceeds thereof a part of the capital stock of said bounty; any law, usage or custom to the contrary notwithstanding.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America,

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

A. D. 1816.

AN ACT AUTHORIZING ELIAS HORRY, ESQUIRE, INTENDANT OF THE CITY OF CHARLESTON, HIS HEIRS OR EXECUTORS, TO CONVEY, IN FEE SIMPLE, TO THE UNITED STATES OF AMERICA, TWO LOTS OF LAND IN THE VILLAGE OF HAMPSTEAD, AS A SITE FOR A MARINE HOSPITAL. No. 2123.

WHEREAS, Elias Horry, Intendant of the city of Charleston, has, by his memorial, set forth that the government of the United States contemplated erecting a marine hospital for the port of Charleston; that for effecting so humane an intention, the said government had expended the sum of five thousand five hundred dollars, (\$5,500) in the purchase of two adjoining lots in the village of Hampstead, in the suburbs of Charleston, late the property of Mrs. Rebecca Drayton, as a site for the said hospital; that the said two lots were conveyed, by a deed of release, by her, on the twenty-ninth October of the present year, to him and his heirs and assigns for ever, in trust for the United States of America; and that he wishes to convey, in fee simple, the said lots to the United States:

Preamble.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in conformity with the eighth section of the first article of the constitution of the United States, the consent of the Legislature of this State is hereby granted to the said Elias Horry, or his heirs, or his executors, to convey, by a deed of release, duly executed according to law, the aforementioned lots of land in the village of Hampstead, purchased as a site for a marine hospital, and held in trust as aforesaid, to the United States of America, to hold to the said United States for ever, in fee simple: *Provided nevertheless*, That this grant or consent of the Legislature of this State shall never be construed so as to vest in the United States of America any other power than that arising from a fee simple estate in the said two lots of land, or to prevent any process, civil or criminal, being served or executed by or under any legal authority of this State, in, at or upon the said lots of land, or any part thereof.

Elias Horry
authorized to
convey certain
lots in Charleston to the U.
S. for Marine
Hospital.

Jurisdiction reserved to the
State.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives*

AN ACT to establish certain Roads, Bridges and Ferries; and for other purposes therein mentioned. No. 2124.

(Passed December 19, 1816. See last volume.)

A. D. 1816.

No. 2125. AN ACT TO AUTHORIZE THE HONORABLE RICHARD GANTT, ONE OF THE JUDGES OF THE COURT OF GENERAL SESSIONS AND COMMON PLEAS OF THE STATE, TO LEAVE THE SAME FOR THE TIME THEREIN MENTIONED.

WHEREAS, the Honorable Richard Gantt has petitioned the Legislature for permission to leave the State:

1. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Richard Gantt be, and he is hereby, authorized to leave the State for the term of nine months.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2126. AN ACT TO ENABLE PARTIES TO SUITS IN THE COURTS OF LAW AND EQUITY IN THIS STATE, TO TAKE THE EXAMINATION, BY COMMISSION, OF WITNESSES WHO ARE ABOUT TO LEAVE THIS STATE.

Preamble. WHEREAS, great inconveniencies often arise in consequence of witnesses removing without the limits of this State, to places unknown, and it being expensive, and often impossible, to procure the testimony of such witnesses:

Witnesses living 100 miles off, or about to remove from the State, may be examined by commission.

1. *Be it therefore enacted*, That from and after the passing of this Act, either of the judges of the courts of common pleas and equity, the clerks of the courts of common pleas, or commissioners in equity, shall have power and authority, on application of either of the parties to any suit or action now pending, or which shall hereafter be commenced or instituted in any of the courts of law or equity in this State, such application being accompanied by the affidavit of such party applying, that the testimony of such witness or witnesses is or are material to him, her or them, on the trial of such suit or action, and that they reside at a greater distance than one hundred miles from the court where said action is instituted, or that he, she or they have reasons to suspect, and does or do verily believe, that such witness or witnesses is or are about to remove without the limits of this State, before the sitting of the next court, in which the said suit or action is or may be pending, or before the said suit or action will stand ready for trial, to grant a commission to examine the said witness or witnesses, *de bene esse*, in the same manner as is heretofore provided by law for the examination of aged and infirm witnesses; any law, usage or custom to the contrary thereof in any wise notwithstanding.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

A. D. 1816.

A BILL TO ALTER THE THIRD SECTION OF THE TENTH ARTICLE OF THE CONSTITUTION OF THE STATE OF SOUTH CAROLINA.*

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the third section of the tenth article of the constitution of this State be altered and amended to read as follows: "The Judges shall, at such times and places as shall be prescribed by Act of the Legislature of this State, meet and sit for the purpose of hearing and determining all motions which may be made for new trials, and in arrest of judgment, and such points of law as may be submitted to them."

In the Senate House, the fifteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, and in the fortieth year of the Independence of the United States of America.†

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

In the Senate House, December the nineteenth day, one thousand eight hundred and fifteen. We, the Speaker of the House of Representatives and President of the Senate, of the said State, do certify, that the above Bill has been read three times in the house of Representatives and three times in the Senate, and agreed to by two thirds of both branches of the representation.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTEEN; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2128.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, and for the use and service thereof. Tax to be raised.

II. *And be it further enacted* by the authority aforesaid, That forty-five cents ad valorem on every hundred dollars, be paid in specie, paper medium, or in the notes of the incorporated banks of the State of South Carolina, on all lands granted within this State. Forty-five cents ad valorem on lands.

*See vol. 1, 195.

† This form of certificate is evidently not in conformity with the Constitution, but it is precisely printed from the original. The certificate of 1816, at the second passage of the Bill, conforms to the Constitution. The former Editor published the amendments of the 17th December, 1808, and of the 19th December, 1810, with the Constitution, in the 1st vol. 193, 195, but not in the regular order of the Acts. It appears to the present Editor, that the amendments to the Constitution should be published with the Acts of the year in which they were passed, with the clauses of ratification, to shew that they were really constitutionally adopted by two thirds of the whole representation of two successive Legislatures. With this view, we will print the two Acts of amendment omitted, at the end of this volume.

A. D. 1616.

right and title which this State hath acquired by the said purchase, in and to the said lands: *Provided* they do pay to the said treasurer the amount due, and to grow due, on the said judgment against the said John Hampton, or his representatives, within one year from the passing of this Act.

Defaulting tax collector, how to be dealt with. XV. *And be it further enacted* by the authority aforesaid, That if any tax collector within this State, shall neglect or refuse to make his return, and pay the taxes received by him, within the time prescribed by law, it shall be the duty of the treasurer, and he is hereby required, in addition to the coercive powers which he now possesses, to charge the said tax collector with interest, at the rate of seven per cent, from the time he ought to have made such return and paid such taxes, to the time of settlement.

Further indulgence given to W. H. Wigg. XV. *And be it further enacted* by the authority aforesaid, That a further indulgence of one, two, three and four years, be granted to William H. Wigg, on his paying the whole of the interest annually.

Interest due by R. Dunlap may be remitted. XVI. *And be it further enacted* by the authority aforesaid, That the trustees appointed for endowing and supporting a school in Lancaster district, under an Act of the Legislature, passed the twenty-first day of December, one thousand seven hundred and ninety-nine, be, and they are hereby, authorized to remit any part of the interest on the debt due by Robert Dunlap, and which was vested in them for the support for said school, as they in their judgment may deem advisable.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2129. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTEEN; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble. I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be respectively appropriated for the salaries of the public officers, and other expenses and purposes of government.

Appropriations For the salary of the Governor, two thousand five hundred and seventy-two dollars.

For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of seven Judges of the courts of Common Pleas, each two thousand five hundred and seventy-two dollars.

For the salaries of five Judges of the Court of Equity, each two thousand five hundred and seventy-two dollars.

For the salary of the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, as a full compensation for the discharge of all public duties incident to the office of Attorney General, one thousand dollars.

For the salary of the Comptroller-general, clerks and stationary included, as a full compensation for his services, three thousand dollars.

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For the salary of five Circuit Solicitors, in lieu of all charges against the State, for the performance of every public duty appertaining to their respective offices, each five hundred dollars.

For the salary of the Treasurer in Charleston, for transacting the business of the loan-office, and clerks, two thousand six hundred and fifty-eight dollars.

For the salary of the Treasurer in Columbia, including clerks, two thousand dollars.

For the salaries of the Clerks of Senate and House of Representatives, each twelve hundred and thirty dollars, to be paid at the adjournment of the Legislature.

As compensation for the Clerk of the Court of Columbia, for his services in attending the Constitutional Court, one hundred and forty dollars.

As compensation to the Commissioner in Equity, for his attendance in the Court of Appeals in Columbia, one hundred dollars.

As compensation to the Clerk of the Court in Charleston, one hundred and forty dollars.

As compensation to the Sheriff of Richland district, for attending the Constitutional Court and Court of Equity at Columbia, one hundred dollars.

As compensation to the Sheriff of Charleston district, for attending the Constitutional Court and Court of Appeals in Charleston, one hundred and fifty dollars.

As compensation to the keeper of the State House in Columbia, one hundred and thirty dollars.

For the Adjutant and Inspector General, two thousand dollars.

For the salary of the Port Physician of Charleston, for boat hire and all other expenses incident to his office, one thousand dollars.

As compensation to the Arsenal keeper in Charleston, six hundred dollars.

As compensation to the Arsenal keeper and powder receiver at Camden, three hundred dollars.

For the arsenal keeper at Abbeville, one hundred and fifty dollars. And for the arsenal keepers and powder receivers for Georgetown and Beaufort, each two hundred and fifty dollars.

For the contract with the State Printers, a sum not exceeding two thousand dollars, if so much be necessary.

As compensation to the Pilot of the bar and harbour of Beaufort and Georgetown, each three hundred and twenty-two dollars.

For Annuities, six thousand dollars.

For the Transient Poor, payable to the City Council of Charleston, four thousand two hundred and eighty dollars.

For the salary of the keeper of the Lazaretto of the port of Charleston, five hundred dollars.

For the expenses of the Members of the Legislature at the present session, and pay of the Solicitors for their attendance, seventeen thousand dollars; if so much be necessary.

As a contingent fund subject to the Governor's draft, for the expenditure of which he shall submit an annual account, fourteen thousand dollars.

As compensation to the two Doorkeepers of the Legislature, each two hundred and fifteen dollars.

As compensation to two Messengers, each two hundred and fifteen dollars; to be paid at the adjournment of the legislature.

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For the rent of the Governor's house in Columbia, two hundred and fifty dollars.

For the discharge of the contingent expenses of the lower division, a sum not exceeding six thousand dollars.

For the discharge of the contingent expenses of the upper division of this State, a sum not exceeding six thousand dollars.

For aid in supporting the transient poor in Georgetown, the sum of five hundred dollars, to be paid to the commissioners of the poor of Prince George, Winyaw, to be laid out and expended by them for the use of the transient poor; the said commissioners to publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sum laid out for each, as may have been relieved by this fund; an account on oath to be returned to the comptroller-general, and by him submitted to the legislature.

For the salary of two tutors in the South Carolina College, each six hundred dollars.

For the salary of a Professor of Chemistry in the South Carolina College, sixteen hundred dollars.

For the pay of the magazine guard, to consist of an officer, sergeant, and twenty-four men, to be paid by and under the direction of the comptroller-general, eight thousand dollars.

Certain professors at College.

II. *And be it further enacted* by the authority aforesaid, That the sum of six hundred dollars be, and the same is hereby, appropriated to the professor of logic and moral philosophy, and that the sum of six hundred dollars be, and the same is hereby, appropriated to the professor of languages, in addition to what each of the said professors is already allowed out of the funds appropriated to the South Carolina College; agreeably to a principle established by the appropriation of the year one thousand eight hundred and twelve, of the like sums for that purpose.

Poor in Beaufort.

For aid in support of the transient poor in Beaufort, five hundred dollars, to be paid to the Town Council of Beaufort, who shall make an annual return on oath, to the comptroller-general, which by him shall be submitted to the legislature, containing the names and numbers of those relieved, and the sums appropriated for the benefit of each individual.

Treasurers to pay by checks on bank.

III. *And be it enacted* by the authority aforesaid, That all payments hereafter to be made by the treasurers of the upper and lower division, shall be by drafts or checks upon the Bank of the State of South Carolina, or its branches, and in no other way; and such drafts or checks, as far as relates to the town treasury, shall be countersigned by the Comptroller-general for the time being, or his agent or clerk, duly authorized by him for that purpose.

All public officers to pay by a check on the banks.

IV. *And be it enacted* by the authority aforesaid, That no payment of money shall be made by any public officer in this State, to either of the treasurers, in any other manner than by a check or draft upon the Bank of the State of South Carolina, or its branches which may be nearest to the treasury, so as to make it indispensibly necessary for such public officer to deposit his money in such bank or its branches, previous to his making such payment.

Commissioners of free schools to draw for unexpended balance.

V. *And be it further enacted* by the authority aforesaid, That the commissioners of free schools shall be authorized to draw for the unexpended balance of appropriations heretofore made for the schools in the several districts.

For procuring a map of this State, and to be subject to the order of the Governor, five thousand dollars.

VI. *And be it further enacted* by the authority aforesaid, That the sum

of thirty-seven thousand dollars be appropriated for the support of free schools.

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To J. B. Rasdale, for a building purchased by the commissioners of fortifications in erecting the lines near Charleston, four hundred and fifty-four dollars.

For arrears of pension to Benjamin Kneel, six hundred and sixty-three dollars thirty-nine cents.

For the relief of John M'Kee, one hundred dollars.

To John D. Brown, for sending an express to the Governor elect, twenty-eight dollars.

VII. *And be it further enacted* by the authority aforesaid, That Benjamin Harrison be indulged two years for payment of the debt due by him to the public, on the judgment obtained against him by the commissioners of the town of Columbia. Indulgence granted to B. Harrison.

For James Smith, for a negro man slave named Willis, executed for burglary, sixty-one dollars twenty-one and one half cents; and for Mary Boggs, the like sum of sixty-one dollars and twenty-one and one half cents.

For Charles B. Ladson, one hundred and twenty-two dollars forty-three cents, for a negro executed.

For Hector M'Niel, fifteen dollars, travelling for the Acts of the Legislature to Columbia.

For Spencer Kilpatrick, two hundred dollars, in lieu of lands for his revolutionary services, granted as bounty; provided he applies to the treasurer in person, and makes an affidavit that he has not transferred his claim to the same.

For James M'Elhaney, for property lost during the revolutionary war, twenty pounds 9s. 3d., equal to eighty-seven dollars seventy-five cents.

For Andrew Manson, for property destroyed and injured in the erection of fortifications, three hundred and twenty dollars.

For Hannah Teague, widow of Joshua Teague, late coroner of Newberry district, seventeen dollars twelve cents.

For Richard Ridgill, forty-five dollars, for work done to gun carriages belonging to an artillery corps called into service.

For James H. Davidson, as compensation as surgeon's mate, and for medicines furnished the militia when called into actual service, one hundred and sixteen dollars sixteen cents.

For Reuben Roberts, for bacon furnished the troops when called into actual service during the late war, to be paid by his excellency the Governor, out of the contingent fund, on the same being vouched to his satisfaction, two hundred and two dollars fifty cents.

For Joseph Stalsworth, for services rendered in repairing a gun carriage, and furnishing materials, for Captain Newport's artillery company, one hundred and twenty-five dollars.

For Hugh Lavender, as a compensation for two horses lost during the revolutionary war, £14 3 1, equal to sixty dollars sixty-two and a half cents.

For Thomas Henning, for carrying military expresses by order of the Governor, and for the loss of a horse, one hundred and ninety-eight dollars.

For William H. Capers, nine hundred and thirty-eight dollars twenty-nine cents, being principal and interest up to the fifteenth day of December, instant; to be paid him on delivering into the arsenal of Camden, forty-three rifles in good order, there to remain as the property of the State; for which rifles he is to deliver a receipt to the comptroller-general, for having delivered the same.

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For George W. Hutchins, for property destroyed and injured in erecting fortifications, one hundred and fifty dollars.

For Mrs. S. F. Shepherd, executrix, and William Trescott, executor, of Mrs. Helen Perry, for property destroyed and injured in erecting fortifications, three thousand five hundred and thirty-nine dollars.

For Thomas Hannah, for property lost during the revolutionary war, one hundred and sixty-five dollars.

For Mrs. Caroline Pinckney, executrix of Thomas Pinckney, for a negro executed, one hundred and twenty-two dollars forty-three cents.

For John Croslin, for services rendered during the revolutionary war, eighty-three dollars seventy-two cents.

For John Wallace, for his services in carrying returns of the election of sheriff of Laurens district, seventeen dollars.

For James M'Call, as a compensation for wood and posts cut down on Plumb Island, by order of the commissioners of fortifications, one hundred and seventeen dollars.

For Duncan M'Cra, for a negro executed, one hundred and twenty-two dollars forty-three cents.

For Sarah Lang, for two negroes executed, two hundred and forty-four dollars eighty-six cents.

For Thomas Lang, for a negro executed, one hundred and twenty-two dollars forty-three cents.

For Chapman Levy, one hundred and twenty-two dollars forty-three cents, for a negro executed.

For John Bird, attorney of Martin Martin, one hundred and ninety-two dollars sixty-five cents, for services rendered during the revolutionary war: Provided the comptroller-general be satisfied with the power of attorney authorizing him to receive the same.

For the assessor of Saint Philip's and Saint Michael's, for the present year, one hundred and eighty dollars.

For Ephraim Cannon, sixty-nine dollars sixty cents, for supplies furnished during the war.

For John Hallford, eight dollars seventy-five cents, for services rendered the State.

For Samuel D. Hall, for carrying despatches, six dollars seventy-five cents.

For Nicholas Ledwick, six dollars, for carrying despatches.

For William Kirk, thirty-nine dollars ten cents, for provisions furnished the State troops.

For Hugh Henry, twenty dollars ninety-five cents, for services rendered in the late war.

VIII. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized and required to suspend all proceedings, at law or otherwise, against Elias G. Jaudon, and Mary Baldy, executrix of Stephen Baldy, deceased, surities of Thomas Hamilton, late tax collector of St. Peter's parish, on the said Elias G. Jaudon making payment of one third of the debt, principal and interest, now due, and the balance in one, two and three years; and on the said Mary Baldy making payment of one third of the debt, principal and interest, and the balance in one, two and three years: *Provided* the comptroller-general shall be satisfied with the security which has been given to secure the payment of the balance which will remain due by the said Elias G. Jaudon, and Mary Baldy, executrix of the said Stephen Baldy, deceased.

IX. *And be it enacted* by the authority aforesaid, That the treasurer

Proceedings
against E. G.
Jaudon and
Mary Baldy to
be stopped.

of the lower division be, and he is hereby, authorized and required to make titles for a certain tract of land purchased by James Kennedy, at a sale of lands under mortgage to the paper medium loan office, to such person or persons, as he, the said James Kennedy, shall designate; and that on payment of the bond of the said James Kennedy, with interest thereon, and expenses of the sale, that the treasurer aforesaid do cancel the said bond and mortgage, agreeably to a joint resolution of the legislature.

A. D. 1816.

Titles to be made to James Kennedy.

X. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to release and discharge Robert Gibbs and James L. Gibbs, administrators of John Gibbs, from the payment of a double tax imposed on them, on payment of the expenses incurred.

R. Gibbs and J. L. Gibbs relieved.

XI. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to loan to the Charleston Bridge Company, ten thousand dollars, for a period of five years, the two first years of which to be free of interest, and for the remaining term of three years, the interest to be paid annually; the said company giving such security as may be approved of by the comptroller-general.

Loan to Charleston bridge company.

To Mrs. Dorothea Lee, and others, heirs of Stephen Lee, deceased, for reimbursing them for a tract of land on Pedee, purchased from the commissioners of forfeited estates, and for a council fee and costs of suit, in defending a suit at law, including interest on the purchase money up to the first day of January, 1817, four thousand eight hundred and twenty-nine dollars and ten cents.

For the payment of jurors and constables, and clerks, thirty-five thousand dollars, if so much be necessary.

XII. *And be it further enacted* by the authority aforesaid, That the sum of two thousand dollars be, and the same is hereby, appropriated for the purpose of completing the new building erected in the college yard, and the observatory; and the sum of five hundred and thirty-two dollars for insuring the college buildings.

College.

For recording the papers of the ordinary's office of Newberry district, five hundred dollars, if so much be necessary.

William Salter, sheriff of Williamsburgh, sixty-four dollars twenty-eight cents.

XIII. *And be it further enacted* by the authority aforesaid, That the escheated property which has heretofore, or may hereafter, become the property of the State, in Richland district, not exceeding five thousand dollars, be, and the same is hereby, granted to the trustees of the Columbia Academy, for the use of the female academy.

Escheated property in Richland district, given to the Columbia Academy.

XIV. *Be it further enacted*, That the commissioner of the town of Columbia be, and he is hereby, authorized and required to convey to the trustees of the Columbia Academy, all the unsold lots and squares of land lying in the outer town of Columbia, east of Bull-street, south of Senate-street, west of Harden-street, and north of Lower Boundary-street; and also all such lots and squares as include the marsh north of Senate-street, and eastward of the town: And that the streets within the said limits be, and they are hereby, vested in the said trustees, who shall have power to dispose of the same, reserving always the right of way to such persons as now are, or hereafter may become, the owners of lots, squares or portions of land within the said limits.

Also certain lots in Columbia.

For the librarian of the legislature, one hundred dollars.

For the purpose of enabling the governor to carry into effect the resolution of both houses relative to John B. Miller's collection of militia

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and patrol laws, at fifty cents for each copy, the said laws to be furnished to the militia officers on the same terms as the rules and regulations for infantry, two thousand dollars, if so much be necessary: Provided that the Act respecting the militia, passed the present session of the Legislature, be included in the said work.

For the purpose of enabling the Governor to establish a guard at Camden, to consist of a subaltern and ten men, for the protection of the arsenal at Camden, two thousand dollars.

For the purpose of enabling the Governor to establish a similar guard at Georgetown, two thousand dollars: Provided the governor shall deem it expedient to keep public arms at that place.

For doctor Moultrie's account, seven hundred and forty-two dollars ninety-five cents.

For doctor M'Burney's account, fourteen dollars and sixty-three cents.

For doctor Kirkland, one hundred and seventy-four dollars.

And that five thousand dollars, if so much be necessary, be appropriated for the purpose of enlarging and ventilating the Representative chamber: Provided that no addition be made to the exterior of the State House.

For the Ladies Benevolent Society of Charleston, thirty-two dollars and fifty cents, for the payment of two indents.

For the Literary and Philosophical Society of South Carolina, four thousand dollars.

For arranging and recording such wills and other papers in the office of ordinary for York district as may require it, the sum of two hundred dollars, if so much be necessary.

For the payment of Francis Trotti's account against the State, as sheriff of Barnwell district, fees of office, &c., one hundred and seven dollars ninety cents.

XV. Whereas, the comptroller-general did, under particular circumstances, calculated to mislead him, make a payment of three hundred and fifty dollars to, Mr. J. Jeannerett, for a lot of land upon which the Charleston Lines are erected, when the said J. Jeannerett had no right to receive the same: And whereas, the said J. Jeannerett is unable to refund the said money: *Be it further enacted*, That the said comptroller-general be, and he is hereby, discharged from the payment of the said sum of three hundred and fifty dollars thus erroneously paid the said J. Jeannerett.

XVI. *And be it further enacted*, That the sum of fifty-nine dollars be, and the same is hereby, appropriated for the payment of William Langley, for medical services.

For the opening of Savannah river, ten thousand dollars, as provided for in the appropriation Act of eighteen hundred and five; and that the Governor be authorized to appoint five commissioners to superintend the improvement of the said navigation.

For repairing the gaol of Chesterfield district, one hundred and fifty dollars.

For the purchase of Jack for the college, nine hundred dollars.

For repairing the court house and gaol of Sumter district, five hundred dollars.

For repairing the court house and gaol in York district, four hundred dollars.

For repairing the gaol in Lancaster district, five hundred dollars.

For repairing the court house and gaol in Williamsburgh district, one thousand dollars.

For building a court house for Barnwell district, six thousand dollars, if so much be necessary.

For building a new gaol in Chester district, five thousand dollars.

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For repairing the gaol of Beaufort district, in addition to the sum appropriated at the last session, two hundred dollars.

For procuring suitable accommodations for the bench, bar and jury, in the court house of Beaufort district, one hundred and fifty dollars.

For rebuilding the court house in Columbia, eight thousand dollars.

For a third tutor in the College, six hundred dollars.

To John M'Neal, sheriff Union district, eighty-three dollars sixty-two cents, for bringing prisoners to the constitutional court.

For Adam Carruth, on a credit of three years, with interest from the time he shall receive the same, ten thousand dollars; he entering into bond, with such security as the comptroller-general shall approve, for the re-payment thereof.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the forty-first year of American Independence.

JAMES R. PRINGLE, *President of the Senate.*


THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT TO PROVIDE A MORE EXPEDITIOUS MODE OF DISPOSING OF No. 2130.
SUCH MOTIONS AS MAY BE MADE FOR NEW TRIAL, AND IN ARREST OF
JUDGMENT, AND SUCH POINTS OF LAW AS MAY BE SUBMITTED TO THE
JUDGES; AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the associate judges of the court of general sessions and common pleas of this State shall, on the Tuesday next after the conclusion of the present spring circuits, meet at Columbia, and there sit for four days, for the purpose of hearing and determining all motions which may be made for new trial, and in arrest of judgment, and such points of law as may be submitted to them; from Columbia they shall adjourn to Charleston, there to sit until the twentieth day of June next, (if so long be necessary,) for the purpose of hearing and determining all motions which may be made for new trial, and in arrest of judgment, and such other points of law as may be submitted to them.

II. *And be it further enacted* by the authority aforesaid, That the said judges shall on the Tuesday next after the conclusion of the fall circuits in November next, meet at Columbia, and there sit for the purpose of hearing and determining all motions which may be made for new trial, and in arrest of judgment, and such points of law as may be submitted to them; as soon as this shall have been done, the judges shall adjourn to Charleston, and there sit from day to day, until the first day of March, (if so long be necessary,) for the purpose of hearing and determining all motions which may be made for new trial, and in arrest of judgment, and such points of law as shall be submitted to them.

III. *And be it further enacted* by the authority aforesaid, That should the time hereby fixed for the judges to meet in Charleston, to hear and determine all motions for new trial, and in arrest of judgment, and such points of law as may be submitted to them, extend beyond the time fixed by law

A. D. 1817.  for the meeting of the court of general sessions and common pleas for Charleston district, one of the said judges shall hold said court of general sessions and common pleas, and continue to do so, without interruption to the duties of the other judges as required by this Act.

IV. *And be it further enacted*, That until otherwise directed by law, the said judges shall meet and sit at Columbia, on the Tuesday next after the conclusion of the circuits in each and every year, for the purpose of hearing and determining all motions which may be made for new trial, and in arrest of judgment, and such points of law as may be submitted to them; and from Columbia they shall proceed to Charleston, for the purpose of hearing and determining all motions which may be made for new trial, and in arrest of judgment, and all such points of law as may be submitted to them.

V. *And be it further enacted*, That all cases which have been heretofore registered upon the dockets, commonly called the dockets of the constitutional court, shall be heard and determined by the judges authorized to sit under this Act, at Charleston and Columbia, respectively.

VI. *And be it further enacted*, That one of the judges of the court of equity be authorized and directed to hold a court of equity for the district of Charleston, on the second Monday of September next, for the purpose of transacting the usual business of that court, and that the said court shall continue to sit four weeks.

In the Senate House, the twenty-eighth day of March, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-first year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives*

No. 2131. AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT TO CONFIRM THE TREATY BETWEEN THE STATE OF SOUTH CAROLINA AND THE CHEROKEE INDIANS, RELINQUISHING THE TITLE OF THE SAID NATION OF CHEROKEE INDIANS TO THAT PART OF THEIR TERRITORY LYING WITHIN THE CHARTERED LIMITS OF THIS STATE; FOR APPOINTING COMMISSIONERS TO RE-SURVEY AND LAY OUT THE SAID LANDS; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble. WHEREAS, by an Act of General Assembly, passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, it is enacted, that the commissioners to be appointed by his Excellency the Governor, for making a survey of the Territory ceded by the nation of Cherokee Indians, and lying within the chartered limits of South Carolina, shall cause and procure all the lands contained in the Territory so ceded as aforesaid, to be surveyed and platted off into separate tracts: And whereas, a great portion of the said Territory, consisting of barren and mountainous country, will not repay the expense to be incurred in making an actual survey and admeasurement thereof: wherefore,

I. *Be it enacted and declared* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by and

A. D. 1817.

with the authority of the same, That it shall be the duty of the commissioners aforesaid, to survey and lay off into separate tracts, so much only of the said territory as may be deemed saleable, or useful for cultivation, to the exclusion of such parts as are clearly barren and not of sufficient value to defray the expenses of an actual survey and admeasurement; any thing in the said Act to the contrary hereof notwithstanding.

In the Senate House, the twenty-eighth day of March, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-first year of the Independence of the United States of America.

JAMES B. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT MAKING APPROPRIATIONS FOR THE EXTRA SESSION OF THE No. 2132.

LEGISLATURE, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTEEN; AND FOR OTHER PURPOSES THEREIN MENTIONED.

1. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That the sums hereinafter mentioned be respectively appropriated for the following purposes:

For the expenses of the members of the legislature at this present session, and pay of the solicitors for their attendance, six thousand dollars, if so much be necessary. Appropriations

For the comptroller general, as a compensation for his travelling expenses and attendance during the present session, six dollars per diem.

For the secretary of State, as a compensation for his travelling expenses and attendance during the present session, six dollars per diem.

For the clerk of each House, for their attendance during the present session, each three hundred dollars, in the whole six hundred dollars.

For the door-keepers and messengers of each House for their attendance during the present session, each sixty dollars, in the whole two hundred and forty dollars.

For the State printers, in addition to the amount of the contract for printing during the present year, a sum not exceeding four hundred dollars.

For the Librarian, for his attendance during the present session, forty dollars.

For house rent for the governor, thirty dollars.

For the keeper of the State House at Columbia, for his services during the present session, fifty dollars.

For the repairs wanting to the goal in Charleston, and placing railings on the flight of steps leading into the front door of the building, three thousand dollars, if so much be necessary; and that William Rouse, sr. Bartholomew Carroll, Stephen Thomas and P. Moser, be, and they are hereby appointed, commissioners to have said works and repairs done, and make a report of their expenditures to the legislature.

For William Howe, sheriff of Lancaster District, for amount of his account, reported on last session, seven hundred and forty-eight dollars ninety-five cents.

For John McMillon, sheriff of Pendleton District, for amount of his account, reported on last session, sixty-four dollars twenty eight cents.

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A slave emancipated.

II. *And be it further enacted*, That so much of the clause contained in the appropriation Act, passed at the last session of the legislature, as requires the comptroller general to countersign "such drafts or checks as relate to the town treasury," shall be, and the same is hereby, repealed. That the sum of eleven hundred dollars be appropriated at the disposal of the Governor, to purchase the freedom of the servant who gave information of the projected insurrection in the city and neighborhood of Camden; and also, that the sum of fifty dollars per annum, out of the public treasury, be allowed to said servant, until otherwise directed by law.

Richard McGee.

For the legal representative of Richard McGee, one hundred dollars, being the sum allowed to the said Richard McGee, by resolution of both branches of the legislature, passed in December, one thousand eight hundred and fifteen, for revolutionary services, and provided for by the Act making appropriations for the year one thousand eight hundred and sixteen, by the name of John McGee: That the pensioners of the revolutionary war, who were provided for by Act of one thousand eight hundred and sixteen, be entitled to the increase of annuity under said Act, from the first day of March, one thousand eight hundred and sixteen.

III. *And be it further enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, authorized to draw a warrant on the treasury for six hundred and forty-five dollars, in favor of William H. Capers, for twenty-nine Rifles already delivered to the Arsenal keeper at Camden.

To the Winyaw Indigo Society, the sum of four hundred and thirty-nine dollars seventy-nine cents, with interest of three and a half per cent, from the fourth of February one thousand seven hundred and ninety-three, being the amount of an excess indent, whenever the original indent shall be produced.

To William Alston, for the injury done to his rice lands by cutting a public road through the same, two thousand one hundred and forty dollars.

In the Senate House, the twenty-eighth day of March, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-first year of the Sovereignty and Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No 2133. AN ACT TO ESTABLISH THE OFFICE OF CIVIL AND MILITARY ENGINEER, FOR THE SERVICE OF THE STATE; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Civil and military engineer to be appointed.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That there shall be established and appointed a Civil and Military Engineer for the service of the State.

His duties as civil engineer.

II. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the said officer, as civil engineer, to make, whenever required by the legislature or the Governor of the State, general or topographical surveys of any part or portion of the State; he shall, as soon after his appointment

as it may be practicable, inspect minutely all the rivers in the State, survey all such portions as may require improvement; take accurate levels of their falls and rapids; examine all the obstructions to their navigation; report and recommend the most practicable mode of improving their navigation; and make and report estimates of the expenses of such improvements; he shall examine and report the condition and state of the public roads, and recommend all such improvements and alterations as shall seem to him expedient. As military engineer, he shall receive and obey all orders from the governor and commander-in-chief in and over the State; he shall make surveys, plans and estimates, for any military work proposed to be erected; he shall examine, and report annually to the Governor, the condition of the public arsenals, forts, intrenchments and military works, which have been or shall be hereafter erected by the State for security or defence; and shall recommend, generally, all such measures for internal improvement or safety, as shall appear to him necessary and beneficial.

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His duties as military engineer.

III. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the said engineer to superintend the erection and construction of all works, civil or military, which may be executed by the orders, and at the expense, of the State; he shall make all contracts for the same; point out the place and manner where such works are to be constructed, and the materials of which they are to be made; determine and fix the size and situation of canals, locks, bridges and roads, in all cases where the points shall not have been fixed by law; and see that all the public works, whether performed by contract or by the employment of laborers or mechanics on account of the State, be punctually and faithfully executed.

Shall superintend the erection and construction of civil and military works.

IV. *And be it further enacted* by the authority aforesaid, That the said engineer shall act also as inspector of public buildings throughout the State, and in this capacity shall report the state and condition of the several court houses and goals and other public buildings; shall recommend repairs and alterations, whenever the same may be required; shall superintend and contract for the repairs of such buildings, whenever such repairs shall be ordered; and whenever new buildings shall be provided for by the State, he shall give designs and plans for such buildings, which, when approved of by the Governor or the Legislature, as the case may be, he shall carry into effect, and make contracts for such buildings, and for the materials necessary for the same, and shall see that the same are faithfully and truly finished according to the terms of such contracts.

Shall inspect and construct public buildings.

V. *And be it further enacted* by the authority aforesaid, That whenever any public work, or part or portion of any public work, so contracted for on the authority of the State, shall be completed, it shall be the duty of the said engineer to inspect the same, and if he shall find that the said contract has been faithfully performed, he shall certify the same, and his certificate shall be a warrant to the Comptroller to pay, out of the money appropriated by the State for such public work, the amount of such contract.

Shall see that contracts are faithfully performed.

VI. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, the clerk of each district of the State shall have the care and charge of the court house within the same; and it shall be his duty to open the same when occasion may require, and to close the same at night, and keep it closed and locked always, except when required for public use. And the clerk shall be liable to a penalty of five dollars for every night the court house of which he has charge shall be left open; to be recovered by any informer, to his own use.

Clerks to have the care of the court house.

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Engineer may
advance money
on contracts.

VII. And whereas, it may be sometimes highly advantageous, or even necessary for the service of the State, that money may, from time to time, be advanced to the persons undertaking or contracting to perform the different works ordered by the legislature: *be it therefore enacted* by the authority aforesaid, That the said engineer, by and with the advice and consent of the governor and comptroller for the time being, be, and he is hereby, authorized to make such advances of money as may to him appear necessary and reasonable, out of the sums appropriated for such public works: *Provided always*, that such advances of money shall not be made until the party or parties to whom such advances are to be made shall give bond and security to the State, to be approved of by the said engineer, in double the amount to be advanced, to indemnify the State for the failure or non-performance of his or their contracts.

May draw out
of the treasury
not exceeding
\$10,000.

VIII. And whereas, there must be many incidental expenses in the performance of public works, which it is difficult to define and distinctly provide for: *Be it therefore further enacted* by the authority aforesaid, That the said engineer shall be, and he is hereby, authorized to draw out of the treasury of the State a sum which shall at no time exceed the amount of ten thousand dollars above the sums for which he may have accounted. And the said engineer shall keep exact and regular accounts of the money so drawn, and shall account for the same at least as often as once every quarter, if the same shall be practicable, to the comptroller, for his expenditures, and the comptroller shall report these accounts annually to the legislature of the State: *Provided always*, That the sum or sums so drawn shall be considered as part of the appropriation made by the State for the particular objects to which such sum or sums may be applied.

Shall continue
in office two
years.

IX. *And be it enacted* by the authority aforesaid, That the said engineer shall be elected by ballot of the legislature of the State, and shall continue in office for the term of two years, and shall receive for his services a salary of four thousand dollars per annum, to be paid quarterly: *Provided nevertheless*, That before he shall enter upon the duties of his said office he shall give bond, with approved security, to the State of South Carolina, in the penal sum of fifty thousand dollars, for the faithful discharge of the duties of his office, which bond and securities shall be approved by the comptroller of this State for the time being.

Appropriation
for internal
improvement.

X. *And be it further enacted* by the authority aforesaid, That the sum of fifty thousand dollars be, and the same is hereby, annually appropriated for the internal improvement of the State.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2134. AN ACT to alter and amend an Act entitled "An Act to establish a Bank, on behalf of and for the benefit of the State."

(Passed December 18, 1817. See last volume.)

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AN ACT to increase the penalties which are now by law inflicted on persons who deal or trade with negroe slaves, without a license or ticket from their master or owner, or the person having charge of them. No. 2135.

(Passed December 18, 1817. See last volume.)

AN ACT TO COMPEL SATISFACTION TO BE ENTERED ON JUDGMENTS, No. 2136.
MORTGAGES AND DECREES.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That each and every person who shall have received full payment or satisfaction, or to whom a legal tender shall have been made, of his or their debt, damages, costs and charges, recovered by judgment or decree in any court of law or equity within this State, or secured by mortgage of real or personal estate, shall, (at the request of the defendant or defendants in the action, or of the mortgager or mortgagers, or of his, her or their legal representative, or of any other person being a creditor of the said debtor, or a purchaser under him, or having an interest in any estate bound by such judgment, decree or mortgage, and on tender of the fees of office for entering such satisfaction,) within three months after such request made, enter satisfaction in the proper office, on such judgment, decree or mortgage, which shall forever thereafter discharge and satisfy the same; and if such person, having received such payment, satisfaction or tender as aforesaid, shall not, within three months, by himself or his attorney, after request and tender of fees of office, repair to the said office, and enter satisfaction as aforesaid, he, she or they refusing or neglecting so to do, shall forfeit and pay unto the party or parties aggrieved, a sum of money not exceeding one half of the amount of the judgment, decree or debt secured by mortgage as aforesaid, to be recovered by action of debt in any court of competent jurisdiction within the State; and on judgment being rendered for the plaintiff in any such action, it shall be the duty of the presiding judge to order satisfaction to be entered on the judgment or mortgage aforesaid, by the clerk or register, or other proper officer, whose duty it shall be, on receiving such order, to record the same, and to enter satisfaction accordingly.

Persons being required shall enter satisfaction on judgments or mortgages in a certain time.

Penalty for not doing so.

II. *And be it further enacted* by the authority aforesaid, That each and every person who shall be indebted by judgment, decree or mortgage, shall be, and he is hereby, authorized to apply to the presiding judge of any court of general sessions and common pleas, to be held in the district in which such judgment or mortgage shall be entered or recorded, for a rule to show cause why satisfaction should not be entered thereon. And it shall be the duty of such judge to grant such rule, returnable on a day to be fixed by him; which rule shall be served on the plaintiff, or his legal representatives, or his or their attorney; and if the party so served shall not attend to shew cause, or attending shall shew insufficient cause, and the judge shall be satisfied that the judgment or mortgage aforesaid has been fully paid, it shall be his duty to order the proper officer to enter

Court may order satisfaction to be entered.

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satisfaction on the said judgment or mortgage as the case may be; but if on the return of the said rule it shall appear to the presiding judge that matters proper for the decision of a jury are involved in the case, he may, at the request of either party, submit the same to the jury, to be decided immediately in a summary manner; and if the jury shall decide that the judgment or mortgage has been paid, satisfaction shall be ordered accordingly.

Proceeding in
Equity.

III. *And be it further enacted* by the authority aforesaid, That on all decrees entered or enrolled in any court of equity within this State, satisfactions may be obtained by application to any judge of the said court, under such rules and regulations as the judges of the said court shall prescribe,

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2137. AN ACT TO AUTHORIZE THE COMPTROLLER GENERAL TO PURCHASE THE CHARTER OF THE CATAWBA AND WATeree COMPANY; AND FOR OTHER PURPOSES THEREIN MENTIONED.

WHEREAS, the Catawba and Wateree Company have failed of effecting the objects of their incorporation: and whereas that company has consented to a surrender of their charter, on payment of the amount expended by said company in attempting to improve the navigation of the Catawba river, and for lands purchased by said company on the said river.

Company to
relinquish their
charter and all
title to certain
lands, and ac-
count for cer-
tain sales of
lands, and be
allowed
\$20,000.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That as soon as the Catawba and Wateree company shall execute and deliver deeds to the Comptroller, which shall be by him approved of, by which said deeds the said company shall relinquish and surrender to the State of South Carolina all the interest and right vested in them by the act of the legislature of this State, passed on the twenty-seventh day of March, in the year of our lord one thousand seven hundred and eighty-seven; and also, by the said deeds, shall relinquish and surrender to the said State all their title, right and interest to all lands vested in them by the act of the legislature of this State, passed on the seventh day of March, in the year of our lord one thousand seven hundred and eighty-nine, and claimed by the said company on the eighteenth day of December, in the year of our lord one thousand eight hundred and thirteen, now unsold; and also, by said deeds, shall relinquish and surrender to the State all their title, right and interest to the several tracts of land purchased by the said company, and known by the names of Love Tract, Rocky Mount Tract, Grimkeville Tract, Scott's Tract, and the Mill Tract, including the mill and other improvements thereon standing; and further, shall account to the Comptroller for all the lands by the said company sold or disposed of since the eighteenth day of December, in the year of our lord one thousand eight hundred and thirteen; then, and in that case,

the said company shall be allowed by the State the sum of twenty thousand dollars; subject, nevertheless, to a deduction of the whole amount of lands sold by the said company since the eighteenth day of December, in the year of our lord one thousand eight hundred and thirteen. And it shall be the duty of the said comptroller, after the said company shall fully comply with the conditions above set forth, according to the true intent and meaning of the same, to cause to be paid to the said company as much of the said sum of twenty thousand dollars as shall remain after making the deduction aforesaid.

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II. *And be it further enacted* by the authority aforesaid, That the land to be acquired by the State, by virtue of this Act, and the surrender of the Catawba and Wateree company, shall not be liable to be taken up by individuals by obtaining grants for these lands not allowed.

III. *And be it further enacted* by the authority aforesaid, That should the aforesaid Catawba and Wateree company, refuse or neglect to surrender their rights on the conditions above mentioned, it shall be the duty of the proper law officer of the State to take the necessary legal measures to obtain against the company a judgment of forfeiture, for non-user or mis-user.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT to extend the incorporation of the Saint Andrew's Society of the City of Charleston. No. 2136.

(Passed December 13, 1817. *See last volume.*)

AN ACT TO REGULATE THE LICENSING OF PHYSICIANS TO PRACTICE; No. 2139.
AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, no person or persons shall be allowed to practise physic or surgery, or any of the branches thereof, or in any case to prescribe for the cure of diseases, for fee or reward, unless he or they shall have been first licensed to do so in the manner hereinafter prescribed.

No person to
practice physic
without
license.

II. *And be it further enacted* by the authority aforesaid, That if any person or persons shall hereafter presume, without such license, to practise physic, surgery, or in any manner prescribe for the cure of disease, for fee or reward, he or they shall be liable to be indicted, and on conviction shall be fined, not exceeding the sum of five hundred dollars, and be imprisoned, not exceeding the term of two months; one half of the fine

Penalty for
practising
without
license.

A.D. 1817.

to the use of him who shall inform, and the other half to the use of the State.

Persons indicted must shew their innocence

III. *And be it further enacted* by the authority aforesaid, That on the trial of all indictments for any of the offences enumerated in this Act, it shall be incumbent on the defendant to shew that he has been licensed to practise physic and surgery, and to prescribe for the cure of disease, in the manner hereinafter mentioned, to exempt himself from the penalties enumerated in this Act. *

Bonds, &c. taken by unlicensed persons, to be void.

IV. *And be it further enacted* by the authority aforesaid, That all bonds, notes, promises and assumptions, made to any person or persons not licensed in manner hereinafter mentioned, the consideration for which shall be services rendered as a physician or surgeon in prescribing for the cure of diseases, shall be, and they are hereby declared, utterly void and of no effect.

Two boards of physicians to be established, one at Charleston and one at Columbia.

V. *And be it further enacted* by the authority aforesaid, That in order to the proper regulation of the practice of physic and surgery, there shall be established two boards of Physicians, one at Charleston and the other at Columbia, who shall, at their annual meetings, examine all applicants, and if on such examination they are found competent, shall grant to such applicants a license to practise physic and surgery: *Provided*, That three members of either of the said boards shall constitute a quorum to make such examination and grant such license: *And provided also*, That if any applicant shall have studied and received a diploma from any medical college, the said board or boards, or a quorum of either of them, shall license the said applicant to practise, without examination: *And provided also*, That no person shall be so licensed unless he shall prove to the satisfaction of the board, that he has studied medicine and surgery under the direction of some regular practising physician, for at least two years. †

Said two boards appointed.

VI. *And be it further enacted* by the authority aforesaid, That the Medical Society of South Carolina shall constitute the board of physicians at Charleston; and the following persons shall constitute the board of physicians at Columbia, to wit: Edward Fisher, James Davis, Edward D. Smith, George P. Hazell, G. W. Phillips, Burr Johnson, George W. Glen, William Bratton, Joseph W. Waldo, Andrew Moore, George Ross, Edward H. Anderson, William Blanding, Thomas Casey, V. D. V. Jamieson, James Ainsworth, Oliver Hawes, A. S. Moore, Peter Kean, Robert Campbell, Waller O. Bickly, Eber Smith, Richard B. Screven, John K. M'Iver, Abraham Deleon, William Langley, Benjamin Harriss, Barkley Jones, Roderick Murcheson, Swepson Cox, Benjamin Clapp, Richard Harrison, Isaac Auld, and John Durham.

When said boards are to meet.

VII. *And be it further enacted* by the authority aforesaid, That the annual meeting of the board of physicians at Columbia, shall be held in the town of Columbia, on the Wednesday after the first Monday in December, in each and every year; and that the said boards at Columbia and Charleston shall be entitled to receive and demand of every applicant, when licensed, the sum of five dollars for each and every examination, and the sum of five dollars for every license.

Persons now practising not affected by this act.

VIII. *And be it further enacted* by the authority aforesaid, That no part or clause of this Act shall have any operation or effect upon any person now practicing medicine or surgery within this State.

* This clause repealed by Act of 19th December, 1838.

† By the Act of 1828, the Boards are to grant license to no one who has not a license "from some Medical Institution, or pass an examination by the faculty of the Medical College of Charleston"

IX. *And be it enacted* by the authority aforesaid, That no apothecary within this State shall be hereafter permitted to vend or expose to sale any drugs or medicines without previously obtaining a license to do so from the Medical Society of South Carolina, or board of physicians created by this Act. And every apothecary so vending or selling drugs or medicines contrary to the provisions of this Act, shall be liable to all the penalties imposed by this Act on physicians and surgeons practising without a license: *Provided*, That nothing herein contained be construed to prevent merchants or shop-keepers from vending or exposing to sale medicines already prepared. *

A.D. 1816.

No apothecary
to vend drugs
without
license.

X. *And be it enacted* by the authority aforesaid, That the Medical Society of South Carolina, and the board of physicians created by this Act, shall have the power to examine any apothecary who may apply to them for a license, touching their knowledge of drugs and pharmacy, and on finding such person qualified, shall grant such license, and shall receive therefor the same fees as provided in this Act for license to practise medicine and surgery.

Apothecaries
may be exam-
ined and licens-
ed.

XI. *And be it enacted* by the authority aforesaid, That twelve months shall be allowed to every apothecary now in this State, to obtain the necessary license.

12 months al-
lowed to obtain
a license.

XII. *And be it further enacted* by the authority aforesaid, That the Medical Society of Charleston, or any three members of the board of physicians at Columbia, be, and they are hereby, authorized during the recess of the annual boards, to examine any applicants; and if on examination deemed competent to practise medicine and surgery, shall grant them permission to practise until the next annual meeting of the board of physicians at Charleston or Columbia, to whom they shall make application for a license to practise medicine and surgery, and if refused, shall not be again permitted to practise, except by a license from one of the boards.

How license
may be obtain-
ed during the
recess of the
annual boards.

XIII. *And be it further enacted* by the authority aforesaid, That the said medical board at Columbia be, and they are hereby, authorized and empowered to elect all such officers and frame all such by-laws as may be necessary to carry this Act into effect; and in case of the death, removal, or refusal to serve, of any member of the said board, the said board, or a quorum of them, be, and they are hereby, empowered to fill up every such vacancy.

Board at
Columbia to
elect officers
and make by-
laws.

XIV. *And be it further enacted* by the authority aforesaid, That if any of the members by this Act appointed to constitute the board of physicians to meet at Columbia, shall fail to attend the meeting of the said board of physicians for three successive annual meetings of the same, shall be no longer considered a member thereof; and it shall be the duty of the presiding member, at each meeting of the said board, to note the defaulters at such meeting.

Members fail-
ing to attend,
to forfeit their
membership.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

* The penalty in this clause is repealed by the Act of the 19th December, 1838.

A. D. 1817.

No. 2140 AN ACT to amend the several Acts incorporating the Banks of the State of South Carolina.

(Passed December 17, 1817. *See last volume.*)

No. 2141. AN ACT to amend an Act, entitled "An Act to prohibit the importation of slaves into this State, from any of the United States," and for other purposes therein mentioned.

(Passed December 18, 1817. *See last volume.*)

No 2142 AN ACT TO PROVIDE FOR THE MAINTENANCE IN GAOL OF INSOLVENT DEBTORS.

Preamble.

WHEREAS, it is expedient that some provision be made for the maintenance and support of prisoners confined for debt, in order that it may be known and distinctly understood in what manner and at whose expense such prisoners are to be maintained :

Insolvent debtors in gaol provided for.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by and with the authority of the same, That from and after the passing of this Act, in case of the inability or refusal of any person taken, arrested or imprisoned by mesne or final process, to pay for his maintenance in gaol or prison bounds such reasonable fees as are now or may hereafter be by law allowed to the sheriff, then the assignee or assignees of such debtor, (to be appointed in pursuance of either of the Acts of General Assembly, passed on the seventh day of April, in the year of our Lord one thousand seven hundred and fifty-nine, and on the twenty-ninth day of February, in the year of our Lord one thousand seven hundred and eighty-eight,) shall be chargeable therewith, to be paid in the first place out of the effects in the hands of such assignee or assignees; and if the assignee or assignees of such debtor shall not have in their hands so much as may be sufficient to pay the fees aforesaid, then the person at whose suit such debtor may have been taken or arrested, shall be liable therefor; and it shall and may be lawful for the person to whom such fees are due and payable, to sue for and recover the same in a special action on the case.

Prisoner refusing to assign his effects to provide for himself.

II. *And be it further enacted* by the authority aforesaid, That in case any person taken, arrested or imprisoned by mesne or final process, shall neglect or refuse to surrender his effects in favor of his creditors, and to avail himself of the benefit of the Acts aforesaid for the relief of insolvent debtors, then the sheriff to whose custody such person may be committed, shall not be liable to provide for the diet and subsistence of such person, unless his reasonable fees for diet and subsistence be paid or tendered to such sheriff at the expiration of every week.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

A. D. 1817.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AFFORD LAND-
LORDS AND LESSORS AN EXPEDITIOUS AND SUMMARY MODE OF GAIN-
ING RE-POSSESSION FROM TENANTS AND LESSEES, WHO SHALL HOLD
OVER AFTER THE DETERMINATION OF THEIR LEASES."

Preamble.

WHEREAS, the laws heretofore passed respecting landlords and tenants, have been found deficient, among other things, in providing a prompt mode of placing landlords in possession after the legal termination of the leases or agreements, parole or written, entered into between tenants and landlords: For remedy whereof,

I. *Be it enacted* by the honorable the Senate and house of Representatives, now met and sitting in general assembly, and by the authority of the same, That all leases or contracts in writing, hereafter to be made between landlord and tenant for a longer term than twelve months, shall not be valid in law, against the rights and claims of third persons, unless the same shall have been recorded in the office of mesne conveyance, at least within three months from the time of the execution thereof; nor shall any payment made in anticipation of rent, for a longer period than twelve months, be considered a valid discount against the claims and rights of third persons. Leases for more than one year to be recorded in three months.

II. *And be it further enacted* by the authority aforesaid, That every lease or written agreement hereafter to be entered into, for the renting and leasing of lands and tenements, shall absolutely and unequivocally end and determine at the period therein stated, without it being obligatory on the tenant or the landlord to give the notice now required by law. How and when to terminate.

III. *And be it further enacted* by the authority aforesaid, That no parole lease shall give a tenant a right of possession for a longer term than twelve months from the time of entering on the premises; and all such leases shall be understood to be for one year, unless it be stipulated to be for a shorter term. No parole lease to give possession longer than twelve months.

IV. *And be it further enacted* by the authority aforesaid, That the justices mentioned in the said Act, hereby intended to be amended, shall place the names of twenty-four neighboring freeholders in a box, and from the said twenty-four, draw eighteen, which eighteen they shall direct the sheriff, or a constable of the district, to summon to attend at a certain time and place to be appointed by them; and from the said eighteen freeholders so summoned, twelve shall be drawn in the same manner, who shall then be empannelled to try the facts required by the Act aforesaid: *Provided nevertheless*, That if from the said eighteen so summoned, the number of twelve can not, from any cause, be completed, the said justices are authorized to complete the said number of twelve, from the remainder of the freeholders originally selected by them. Jury to be drawn.

V. *And be it further enacted* by the authority aforesaid, That the freeholders so summoned shall be liable to the same objections to be made by either of the parties in the case as jurymen are, and shall be liable to the same fine for non-attendance, without sufficient cause, as jurymen now are for non-attendance at the courts: The said fine to be imposed by the court of common pleas of the district at its next session thereafter; and it shall be the duty of the justices to return the names of those freeholders who shall so neglect to attend, into the office of the clerk of the said court, who is hereby commanded to proceed against the said defaulters, as against non-attendant jurymen. Jurymen may be objected to, and are fineable for non-attendance.

A. D. 1817.

Compensation
to sheriff and
justices.

VI. *And be it further enacted* by the authority aforesaid, That the sheriff or constable shall receive as a compensation for his summoning the said freeholders, the sum of ten dollars, and the justices for trying the case, the sum of ten dollars; the said sums to be paid by the party in the cause against whom the judgment is obtained; and the said justices are empowered to issue executions for the said sums against the party so liable to pay them.

Landlord to be
put in posses-
sion.

VII. *And be it further enacted* by the authority aforesaid, That the sheriff, on receiving the aforesaid warrant to put the landlord or lessor in possession, shall, within ten days, put the said landlord or lessor in possession of the premises; and for that purpose it shall be lawful to break open doors, should he be resisted; and he may call to his assistance the *posse committatus*, if necessary; and should the sheriff refuse or neglect to perform any of the duties required of him by the aforesaid Act, or by this Act, he shall, in addition to an action for damages, forfeit and pay the sum of five hundred dollars, to be recovered by the party aggrieved in an action of debt.

Tenant not al-
lowed to make
alterations.

VIII. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any tenant to make alterations, or remove buildings erected upon the leased premises, without permission first had in writing, under pain of forfeiting the residue of the unexpired term of said lease or agreement, parole or written; which said forfeiture shall be ascertained by a justice of the peace or quorum, with the jurors to be drawn in the same manner as is prescribed by this Act, and with like powers where the landlord is to be placed in possession.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2144. AN ACT to appoint a Board of Commissioners for the City of Charleston, with power and authority to declare in what cases the Streets, Lanes and Alleys of the City shall be widened; and to provide for carrying into execution the objects of the said Board; and for other purposes therein mentioned.

(Passed December 17, 1817. *See last volume.*)

No. 2145. AN ACT to alter and amend so much of the second clause of the Charter incorporating the City of Charleston, as relates to the qualification of voters for Intendant and Wardens; and for other purposes therein mentioned.

(Passed December 18, 1817. *See last volume.*)

A. D. 1817.

AN ACT TO INCREASE THE SALARIES OF THE GOVERNOR OF THIS STATE, AND OTHER OFFICERS THEREIN MENTIONED. No. 2146.

WHEREAS, the salaries heretofore allowed the Governor of this State, and the Judges of the courts of law and equity, have been found to be an inadequate compensation for their services : Preamble.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor of this State, hereafter to be elected, shall receive for his services the sum of three thousand five hundred dollars per annum.

II. *And be it further enacted* by the authority aforesaid, That the Judges of the courts of sessions and common pleas, and Judges of the court of equity, hereafter elected, shall receive as a compensation for their services, the sum of three thousand five hundred dollars each, per annum, in lieu of the salary heretofore prescribed by law.

III. *And be it further enacted* by the authority aforesaid, That the president of the Bank of the State of South Carolina shall receive the sum of three thousand dollars, in lieu of the salary now allowed that officer by law. President of Bank.

IV. *And be it further enacted* by the authority aforesaid, That the circuit solicitors of this State shall receive the sum of seven hundred dollars each, per annum, in lieu of the salary heretofore allowed by law ; and the attorney-general two hundred dollars, in addition to the salary now allowed by law. Solicitors and Attorney General.

In the Senate House, the thirteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT to incorporate the several Societies, and for other purposes therein mentioned. No. 2147.

(Passed December 13, 1817. *See last volume.*)

AN ACT TO ESTABLISH AND CONFIRM THE BOUNDARY LINE BETWEEN THE DISTRICTS OF KERSHAW AND LANCASTER. No. 2148.

WHEREAS, the Legislature of this State, by a resolution passed in the year of our Lord one thousand eight hundred and thirteen, appointed Stephen Boykin, Samuel Dunlap, Thomas Ballard, Douglas Stark and Robert D. Montgomery, commissioners for running out and marking the old line between the districts of Kershaw and Lancaster : And whereas, Preamble.

A. D. 1817.

a majority of said commissioners have ascertained and run out the old line, and returned a plat of the said line to the legislature of this State, on the twentieth day of May, in the year of our Lord one thousand eight hundred and fourteen :

Line established;
map to be
recorded.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the line dividing the districts of Kershaw and Lancaster, beginning on the Wateree river, and ending at the ford of the Hanging Rock creek, as run by Stephen H. Boykin, Samuel Dunlap, and Thomas Ballard, and certified by them as commissioners, and by the two former as deputy surveyors, on the twentieth day of May, in the year of our Lord one thousand eight hundred and fourteen, and marked A. B. C. D., be the dividing line of the said districts, and that the plat made and returned by the said commissioners be filed and recorded in the secretary of State's office.

II. *And be it further enacted* by the authority aforesaid, That the plat made and certified by said commissioners shall be held, deemed and taken as representing the boundary and division of the said districts; and that all Acts and parts or clauses of Acts repugnant thereto be, and the same are hereby, repealed.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2149. AN ACT to incorporate the Bethel Circulating Library Society, and regular Baptist Church of Fairfield district; and to authorize the Vestry and Wardens of the Episcopal Church of Prince George, Winyaw, to raise by Lottery a sum of money for the purpose therein mentioned.

(Passed December 17, 1817. *See last volume.*)

No. 2150. AN ACT to establish a Court of Equity for Newberry district; and for other purposes therein mentioned.

(Passed December 17, 1817. *See last volume.*)

No. 2151. AN ACT to enable the City Council of Charleston to carry into more complete effect the Quarantine Laws.

(Passed December 17, 1817. *See last volume.*)

A. D. 1817.

AN ACT to change the place of holding the Courts for Colleton district, and for building a Court House and Gaol at Walterborough. No. 2152.

(Passed December 18, 1817. *See last volume.*)

AN ACT TO VEST IN THE TRUSTEES OF THE PINEVILLE ACADEMY, No. 2153.
ESCHEATED LANDS IN THE PARISH OF ST. STEPHENS.

WHEREAS, by an Act of Assembly, passed the fourteenth day of December, in the year of our Lord one thousand eight hundred and five, it was enacted, that all such property as had accrued to the State in the parish of St. Stephens, on account of property which, by an Act entitled "An Act to appoint escheators, and to regulate escheats," had escheated to this State, should be vested in John Palmer, Thomas Palmer and Philip Porcher, but did not provide for escheats which should thereafter accrue :

Preamble.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all such property as has accrued to the said State in the parish aforesaid, since the passing of the said last mentioned Act, or which shall hereafter accrue to the said State in the parish aforesaid, by virtue of the said Act, shall be, and the same is hereby, vested in Joseph Palmer, Samuel Dubose, John Palmer, Francis Peyre, and Isaac Porcher, trustees of the said Pineville Academy, and their successors in office, for the use of the said Pineville Academy: *Provided*, That as soon as the said Academy shall have received from escheated property the amount of ten thousand dollars, this Act and every part thereof shall cease and determine: *And provided also*, That the right of the State to remit any escheat that may occur, shall not be impaired by this Act.

Escheated property given to Pineville Academy.

In the Senate House, the thirteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT to incorporate the Proprietors of the Charleston Theatre. No. 2154.

(Passed December 17, 1817. *See last volume.*)

AN ACT to incorporate the Village of Moultrieville, on Sullivan's Island. No. 2155.

(Passed December 17, 1817. *See last volume.*)

A. D. 1817.

No. 2156. AN ACT TO AUTHORIZE THE GOVERNOR OF THIS STATE TO CAUSE THAT PART OF THE LANDS PURCHASED OF THE CHEROKEE INDIANS, WHICH HAS BEEN SURVEYED AND DIVIDED INTO TRACTS, TO BE SOLD AS EARLY AS POSSIBLE; AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor be, and he is hereby, authorized to cause to be sold, as early as possible, at the house of Ephraim Massey, on the old Cherokee boundary line, all that part of the lands purchased of and ceded by the Cherokee Indians to the State of South Carolina, which has been surveyed, divided and platted into separate tracts, by John C. Kilpatrick, William Hunter and Obediah B. Trimmier, commissioners, with the exception of the five following tracts, lying and bounding on the Cherokee old fields, to wit: No. 1, on North Cheohee Creek; No. 1, on South Cheohee; No. 3, on west fork of Little river; No. 4, on west fork of Little river, and No. 1, on Long Branch; which tracts shall not be sold until it shall be determined whether the same belong to the State of South Carolina, or to a certain Sally Nicholleson: And the Governor is hereby authorized to direct the solicitor for the western circuit to make up an issue to try the titles to the said tracts of land; and if upon the hearing thereof, the same shall be determined to belong to the State, the Governor shall, as soon as convenient, cause the same to be sold; but if upon the hearing thereof, it shall be determined that the said tracts of land belong to the said Sally Nicholleson, then and in that case, the Governor is hereby authorized forthwith, and as early as possible, to cause the tracts of land located and laid off by the said commissioners as aforesaid, for the said Sally Nicholleson, to be sold.

II. *Be it further enacted* by the authority aforesaid, That the Governor be, and he is hereby, authorized to appoint three commissioners to manage and conduct the sales aforesaid; to appoint the time of sale, and cause two months notice thereof to be given in Miller's Messenger, the State Gazette, the Telescope, and the Charleston papers.

III. *Be it further enacted* by the authority aforesaid, That the said lands be sold on the terms following, to wit: One fourth of the purchase money cash, and the balance on a credit of one, two and three years.

IV. *Be it further enacted* by the authority aforesaid, That the commissioners shall pay all the sums of money by them received on the sale aforesaid, into the treasury of the upper division, and take the bonds of the purchasers for the balance of the purchase money, and deposit them in the office of the treasurer of the upper division; and that the commissioners report their proceedings to his Excellency the Governor.

V. *Be it further enacted* by the authority aforesaid, That the grants of the said tracts of land shall, in no instance, be delivered to the purchaser until the receipt of the treasurer shall be produced to the surveyor-general, for the payment of the last instalment; and in the event of any instalment becoming due, and there shall be a delay of payment, the treasurer shall give the person so making default thirty days notice; and if, upon the expiration of the said notice, payment shall not be made, all the preceding payments shall be forfeited to the use of the State, and the treasurer shall forthwith cause the tract of land of which default has been made in the payment of the purchase money, to be sold.

VI. *And be it further enacted* by the authority aforesaid, That whenever the surveyor-general shall be satisfied that the purchase money of any tract of land has been fully paid and satisfied, in manner and form as heretofore directed, he shall certify the plat of the same for the purchaser, and pass the same through his office, on the payment of the fees of his office by the purchaser; and the Secretary of State is authorized to issue a grant thereon, on the payment of the fees of his office by the purchaser.

A. D. 1817.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO VEST TWO TRACTS OF LAND ON EDISTO ISLAND, IN THE MEMBERS OF THE EPISCOPAL CHURCH OF EDISTO ISLAND;" AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2157.


WHEREAS, by an Act passed on the fifteenth day of December, in the year of our Lord one thousand eight hundred and eight, two certain tracts of land on Edisto Island were granted, as escheated lands, to the Episcopal church of Edisto Island: And whereas, it does now appear that the said lands had not escheated, but had many years ago been conveyed, for a valuable consideration, to certain trustees, for the benefit of a religious society, who afterwards formed themselves into a church, at present subsisting by the name of the Euhaw Baptist Church; and that the members of the said church had been in the uninterrupted enjoyment of the rents and profits of the said land until the passing of the said Act, whereby they have been dispossessed and deprived of the same; and that they do not know in whose name to commence their action for the recovery thereof, inasmuch as the original trustees have been long since dead: And whereas, it is unjust that the members of the said church should be thus injured by the interference of the Legislature, and they ought to be restored to their rights as they stood before the passing of the Act aforesaid:

Preamble.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by and with the authority of the same, That the Act entitled "An Act to vest two tracts of land on Edisto Island in the members of the Episcopal Church of Edisto Island," be, and the same is hereby, repealed; and that the Episcopal Church of Edisto Island shall not, by virtue of any thing in the said Act contained, be able to have or take any right or title to the said land, or to receive any advantage from the possession which they may have thereby acquired, in any court of law or equity in this State; and that the same be, and is hereby, confirmed to James Sweat, Thomas Gillison and Benjamin H. Buckner, and other members of the Euhaw Baptist Church, and their successors, for the benefit of the said Euhaw Baptist Church.

Former Act repealed, and land given to Trustees of the Euhaw Baptist Church.

II. *Whereas*, by an Act of the Legislature, passed on the twelfth day of April, in the year of our Lord one thousand seven hundred and sixty-

A. D 1817.

 Church fund in
 St. James,
 Santee.

eight, authorizing certain commissioners therein named, and their successors in office, to build a church in the parish of St. James, Santee, and to dispose of a glebe or tract of land in said parish: And whereas, the aforesaid Act did not expressly authorize the said commissioners, or their successors, to appropriate any part or portion of the funds arising from the sale of the aforesaid glebe, or the funds that might remain in their hands after building the said church: *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the commissioners as aforesaid, or their successors in office, are hereby authorized and empowered, from time to time, to expend so much of the said fund, or the interest arising therefrom, for the repairs of the Protestant Episcopal Churches in the parish of St. James, Santee, as the commissioners aforesaid, or their successors in office, may deem fit and necessary.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No 2158. AN ACT to amend the Act Incorporating the Free School in St. George's, Dorchester.

(Passed December 13, 1817. *See last volume.*)

No. 2159. AN ACT to excuse certain persons therein named from the performance of ordinary Militia duty, and serving on Juries.

(Passed December 17, 1817. *See last volume.*)

No. 2160. AN ACT to establish certain Roads, Bridges and Ferries; and for other purposes therein mentioned.

(Passed December 18, 1817. *See last volume.*)

No. 2161. AN ACT to suspend an Act entitled "An Act to improve and extend the navigation of Black River."

(Passed December 17, 1817. *See last volume.*)

A. D. 1817.

AN ACT TO AUTHORIZE AND REQUIRE THE COMPTROLLER-GENERAL TO No. 2162.
SUBSCRIBE SEVEN SHARES IN THE WINYAW AND WANDO CANAL COM-
PANY; AND FOR OTHER PURPOSES THEREIN MENTIONED.

WHEREAS, the petition of the Winyaw and Wando Canal Company to the Legislature, has shewn that by connecting the waters of Winyaw bay with the Santee river, and the Santee river with the waters of Charleston harbour, great advantages would result to the State: And whereas, the legislature have determined to encourage and support the great measure of internal improvement by taking a proportion of the shares:

Preamble.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the comptroller-general shall subscribe for seven shares of the twenty shares which constitute the stock of the Winyaw and Wando Canal Company, which shall be vested in the State, and the profits arising therefrom shall be paid into the treasury of the State.

Comptroller to
subscribe for
seven shares.

II. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to pay, from time to time, the assessments which may be called for by the said company, to defray the expenses of the seven shares subscribed for by the State: *Provided* the same shall not exceed forty thousand dollars.

Assessment.

III. *And be it further enacted* by the authority aforesaid, That the military and civil engineer of the State shall from time to time examine the canals and works of the said company, and shall report their proceedings to the Legislature.

Engineer to
examine.

IV. *And be it further enacted* by the authority aforesaid, That the comptroller-general shall, from time to time, examine the books and accounts of the said company, and shall report the state of such accounts to the Legislature.

Comptroller to
examine.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT requiring separate Country Dockets for Charleston district; No. 2163.
and fixing a time for the trial of country causes in said district.

(Passed December 17, 1817. *See last volume.*)

A. D. 1817.

No. 2164. AN ACT TO ENABLE THE PERSON OR PERSONS EMPLOYED IN PROCURING A MAP OF THE STATE, TO HAVE ACCESS TO CERTAIN OFFICES THEREIN MENTIONED.

I. Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of same, That from and after the passing of this Act, that such person or persons who now are employed, or may hereafter be employed, in procuring and making a map of the State, be permitted, and he or they are hereby permitted, to have access, at any time, within office hours, without fee or reward, to the offices of Secretary of State, Surveyor General, and Register of Mesne Conveyances, for the purpose of examining all such documents as may be found in said offices, to aid him or them in the formation of such map.

In the Senate House, the thirteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2165. AN ACT to authorize the Judges of the Courts of Law or Equity, to order and appoint, from time to time, a special court in the several districts of this State; and for other purposes therein mentioned.

(Passed December 18, 1817. *See last volume.*)

No. 2166. AN ACT TO EXEMPT THE OFFICERS OF THE CUSTOM HOUSE, IN THE CITY OF CHARLESTON, FROM SERVING ON JURIES.

Preamble. WHEREAS, Simeon Theus, Esq. Collector of the port of Charleston, hath, by his petition, represented that the business of the Custom House has frequently been interrupted by the circumstance of the officers of the revenue being obliged to serve as jurymen in the State courts.

Certain
Custom House
Officers exempted
from Jury
and Militia service.

I. Be it therefore enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That from and after the passing of this Act, the following officers of the Custom House in Charleston, to wit: one collector, one naval officer, one surveyor, two export inspectors, two import inspectors, one weigher, one gauger, one measurer of salt and coal, one boarding officer, and one store keeper, be, and they are hereby, exempted from serving on any juries, civil and criminal, in Charleston. And it shall be the duty of the presiding judge, on a certificate of the collector, that the person or persons summoned to serve as jurymen, is or are attached

to the custom house, as aforesaid, to excuse such person or persons; any law, usage or custom to the contrary notwithstanding. A.D. 1817.

In the Senate House, the thirteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States of American.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT TO REQUIRE THE COMMISSIONER IN EQUITY FOR BEAUFORT No. 2167.

DISTRICT TO GIVE ADDITIONAL SECURITY, AND THE BETTER TO SECURE THE FUND BEQUEATHED THE POOR OF ST. LUKE'S PARISH BY THE LATE JAMES DALEY.

WHEREAS, the security given by the commissioner in equity for Beaufort district, agreeably to the Act of the Legislature of December, 1810, establishing a court of equity for said district, has been found manifestly insufficient. Preamble.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That the said commissioner of equity for Beaufort district, shall, on or before the first day of October next, give a bond with surities, in the penal sum of twenty thousand dollars, conditioned for the faithful performance of his duty as commissioner; and in default thereof, that the court of equity for Beaufort district be, and it is hereby, authorized and required to place the fund bequeathed to the vestry and wardens of St. Luke's church, for the benefit of the poor of St. Luke's parish, by James Daley, under the care or controll of any trustee or trustees, whom they may think proper to appoint; and to make such other order or decree concerning the said fund as will effectually secure the same; and to direct the application thereof in such manner as to the said court shall seem most likely to effectuate the object of the testator.

Commissioner in Equity of Beaufort to give bond, \$20,000.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT TO EXEMPT THE HONORABLE ELIHU HALL BAY, IN CONSI- No. 2168.

DERATION OF HIS AGE, INFIRMITIES AND FAITHFUL PUBLIC SERVICES, FROM THE PERFORMANCE OF CERTAIN DUTIES AS ONE OF THE JUDGES OF THE COURTS OF SESSIONS AND COMMON PLEAS.

WHEREAS, the Honorable Elihu Hall Bay, one of the associate judges of the courts of sessions and common pleas, has devoted a long life Preamble.

A. D. 1817.

to the unremitted, upright and faithful discharge of the important duties of his station : And whereas, his age and infirmities require an exemption from the more arduous and active duties of a judge of said courts ; and it is the duty, as well as the interest, of the State, to foster, protect and honor those who have worn out the prime of life in the public service.

E. H. Bay, his duty.

Be it therefore enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That from and after the passing of this Act, all such motions as any of the judges of the court of sessions and common pleas may by law hear at chambers, may be brought before the honorable Elihu Hall Bay, one of the aforesaid judges; and for the performance of those duties which may be brought before a judge in chambers, the said Elihu Hall Bay shall be excused from holding any of the circuit courts, and from sitting in the constitutional courts at Charleston and Columbia.

In the Senate House, the thirteenth day of December, in the year of our Lord, one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

No. 2169. AN ACT TO AUTHORIZE AND REQUIRE THE SECRETARY OF STATE TO DELIVER UP CERTAIN GRANTS IN HIS OFFICE.

Preamble.

WHEREAS, Hugh M'Burney and Elizabeth M'Burney, representatives of James Booth Thompson, deceased, have petitioned the Legislature, setting forth that the said James Booth Thomson and Robert G. Harper, Esquire, did, in the year one thousand seven hundred and ninety-three, obtain grants of certain tracts of land, lying and being on the waters of Island Creek, in the Parish of Saint Bartholomew, which grants are yet remaining in the office of the secretary of State, who does not conceive himself authorized to give them out.

Certain land grants to be issued.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by and with the authority of the same, That the secretary of State be, and he is hereby, authorized and required to give out and deliver the said grants to the representatives of the said James Booth Thompson. *Provided nevertheless*, That nothing in this Act contained shall be taken to deprive any other person or persons of any legal right or title whatsoever : *And provided also*, That the said representatives of James Booth Thomson shall, on the payment of fifty dollars for every acre lot, or a greater or lesser sum in proportion to the quantity of land held by any person or persons now residing in the village of Walterborough, convey to the person or persons so possessed of a lot or lots, a fee simple estate to the same.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Sovereignty and Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

A. D. 1817.

AN ACT TO ENABLE THE TRUSTEES OF THE NEWBERRY ACADEMY TO RAISE A CERTAIN SUM OF MONEY BY LOTTERY. No. 2170.

1. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That Frederick Nance, Young J. Harrington, James Far-^{Lottery author-}randis, Anderson Crenshaw, John Caldwell, Thomas Pratt, Ezekiah Eastland, William Caldwell, and John B. O'Neill, trustees of the Newberry Academy, or their successors in office, be, and they are hereby, authorized and empowered to raise a sum of money by lottery or lotteries, the nett proceeds of which shall not exceed the sum of five thousand dollars. And the said trustees, or their successors in office, are hereby, appointed managers of the said lottery or lotteries, to be drawn as aforesaid.

In the Senate House, the thirteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT TO INCREASE THE NUMBER OF JUSTICES OF THE PEACE IN NEWBERRY AND SPARTANBURGH DISTRICTS, AND JUSTICES OF THE QUORUM FOR UNION DISTRICT, AND JUSTICES OF THE PEACE AND QUORUM FOR THE PARISHES OF ST. PHILIP'S AND ST. MICHAEL'S. No. 2171.

WHEREAS, it is expedient to increase the number of justices of the peace in Newberry district. ^{Preamble.}

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, the number of justices of the peace in Newberry district be, and the same is hereby, increased to the number of two more than the number now allowed by law. ^{Newberry.}

II. *And be it further enacted* by the authority aforesaid, That the number of the justices of quorum for Union district be, and the same is hereby, increased to one more in addition to the number now allowed by law. ^{Union.}

III. *And be it further enacted* by the authority aforesaid, That two justices of the quorum, and two of the peace, for the parishes of St. Philip and Philip and St. Michael, be allowed in addition to the number now allowed by law. ^{St. Philip and St. Michael.}

IV. *And be it further enacted* by the authority aforesaid, That the number of justices of the peace for Spartanburgh be, and the same is hereby, increased to one more in addition to the number now allowed by law. ^{Spartanburgh.}

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second [year of the Independence of the United States of America.]

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

A. D. 1817.

No. 2172. *AN ACT* TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTEEN; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Tax to be raised.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, and for the use and service thereof.

Thirty-seven and a half cents ad valorem on all lands.

II. *And be it further enacted* by the authority aforesaid, That thirty-seven and one half cents ad valorem on every hundred dollars, be paid in specie, paper medium, or in the notes of the incorporated banks of the State of South Carolina, on all lands granted within this State.

Tax on slaves, city lots and lands, faculties and professions

III. *And be it further enacted* by the authority aforesaid, That seventy-five cents per head shall be levied upon all slaves, of all ages and descriptions; and the sum of two dollars per head upon all free negroes, mulattoes and mestizoes, (except such as shall be clearly proven to the collectors to be incapable, from maims or otherwise, of providing a livelihood,) between the ages of fifteen and fifty; and thirty-seven and one half cents ad valorem on every hundred dollars of the value of all lots and lands and buildings within any city, town, village or borough; and seventy-five cents per hundred dollars, on all stock in trade, factorage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses and mechanics excepted,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in paper medium, the notes of the banks of the State of South Carolina, or specie.

Absentees triple taxed.

IV. *And be it further enacted* by the authority aforesaid, That any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, for the use of this State shall pay a triple tax on the same. But this clause shall not be construed to extend to any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration of his commission.

Tax on plays and shows.

V. *And be it enacted* by the authority aforesaid, That all persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, and those that exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of three dollars per day, where they make their exhibitions; and the said sum of three dollars shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay over the same into the public treasury annually. And in case of the non-payment on demand, the clerks of the said courts, or any justice of the peace or quorum, are hereby authorized and required, forthwith to issue an execution, directed to the sheriff, or any constable of the said district, against the body or goods of the said person or persons so liable to pay the same: *Provided nevertheless*, That nothing in this clause contained shall be construed so as to affect any town or city now incorporated.

Compensation to tax collectors.

VI. *And be it further enacted* by the authority aforesaid, That the several collectors throughout this State, except in the parishes of St. Philip's and St. Michael's, shall be entitled to, and are hereby authorized to retain, as compensation for collecting the taxes by this Act im-

posed, the sum of five per cent; and the said collectors of St. Philip's and St. Michael's the sum of two dollars and seventy cents per hundred dollars upon the sums by them respectively collected; and that all Acts or parts of Acts repugnant to this clause be, and the same is hereby, repealed. A.D. 1817.

VII. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, the Phoenix Insurance Company shall be, and they are hereby, authorized and permitted to open and underwrite any policy or policies of insurance, of any kind or nature whatsoever, within the limits of this State, as fully and completely as they were permitted to do anterior to the Act for the year eighteen hundred and fourteen; *Provided*, the said company pay into the treasury of this State the sum of four thousand dollars. Phoenix Insurance Company authorized to underwrite.

VIII. *And be it further enacted* by the authority aforesaid, That a further indulgence be, and the same is hereby, granted to Charles Pinckney, and the other surities of Daniel Doyley, for the debt due by them to the State, on their paying into the treasury of the same the amount of interest now due on the said debt, and the principal in one, two and three years, with interest annually. Further indulgence granted to C. Pinckney and others.

IX. *And be it further enacted* by the authority aforesaid, That all returns hereafter of stock in trade shall have relation to the first day of January in each year, and not to the first day of October, as heretofore. Returns of stock to have reference to 1st of January.

X. *And be it further enacted* by the authority aforesaid, That if any tax collector within this State, shall neglect or refuse to make his return, and pay the taxes received by him, within the time prescribed by law, it shall be the duty of the treasurer, and he is hereby required, in addition to the coercive powers which he now possesses, to charge the said tax collector with interest at the rate of seven per cent, from the time he ought to have made such return and paid such taxes, to the time of settlement. Defaulting Tax collectors to be charged 7 per cent.

XI. *And be it further enacted* by the authority aforesaid, That a further indulgence of one, two, three and four years, be granted to William H. Wigg, on his paying the whole of the interest annually. Further indulgence given to W. H. Wigg.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTEEN; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2173.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be respectively appropriated for the salaries of the public officers, and other expenses and purposes of government. Preamble.

For the salary of the Governor, two thousand five hundred and seventy-two dollars. Appropriations

For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of five Judges of the court of Common Pleas, each three thousand five hundred dollars.

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For the salaries of two judges of the court of common pleas, each two thousand five hundred and seventy-two dollars.

For the salaries of five Judges of the Court of Equity, each three thousand five hundred dollars.

For the salary of the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, as a full compensation for the discharge of all public duties incident to the office of Attorney General, one thousand two hundred dollars.

For the salary of the Comptroller-general, clerks and stationary included, as a full compensation for his services, three thousand dollars.

For the salaries of five Circuit Solicitors, in lieu of all charges against the State, for the performance of every public duty appertaining to their respective offices, each seven hundred dollars.

For the salary of the Treasurer in Charleston, for transacting the business of the loan office, and clerks, two thousand six hundred and fifty-eight dollars.

For the salary of the Treasurer in Columbia, including clerks, two thousand dollars.

For the salaries of the Clerks of the Senate and House of Representatives, each twelve hundred and thirty dollars, to be paid at the adjournment of the Legislature.

As a contingent fund, subject to the draft of the Governor, for the expenditure of which he shall submit an annual account to the Legislature, six thousand dollars.

For procuring a map of the State, five thousand dollars.

As compensation for the Clerk of the Court of Columbia, for his services in attending the Constitutional Court, one hundred and forty dollars.

As compensation to the Commissioner in Equity, for his attendance in the Court of Appeals in Columbia, one hundred dollars.

As compensation to the Clerk of the Court in Charleston, one hundred and forty dollars.

As compensation to the Sheriff of Richland district, for attending the Constitutional Court and Court of Equity at Columbia, one hundred dollars.

As compensation for the Sheriff of Charleston district, for attending the Constitutional Court and Court of Appeals in Charleston, one hundred and fifty dollars.

As compensation to the keeper of the State House in Columbia, one hundred and thirty dollars.

For the Adjutant and Inspector General, two thousand dollars.

For the salary of the Port Physician of Charleston, for boat hire and all other expenses incident to his office, one thousand dollars.

As compensation to the Arsenal keeper in Charleston, six hundred dollars.

As compensation to the Arsenal keeper and powder receiver in Camden, three hundred dollars.

For the arsenal keeper at Abbeville, one hundred and fifty dollars. And for the arsenal keepers and powder receivers for Georgetown and Beaufort, each two hundred and fifty dollars.

For the contract with the State Printers, a sum not exceeding two thousand dollars, if so much be necessary.

As compensation to the Pilot of the bar and harbour of Georgetown and Beaufort, each three hundred and twenty dollars.

For Annuities, eight thousand dollars, if so much be necessary.

For the Transient Poor, payable to the City Council of Charleston, four thousand two hundred and eighty dollars.

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For the City Council of Charleston, to enable them to execute the quarantine laws, one thousand dollars.

For the expenses of the Members of the Legislature at the present session, and pay of the Solicitors for their attendance, seventeen thousand dollars; if so much be necessary.

As compensation to two Doorkeepers of the Legislature, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature.

As compensation to two Messengers, each two hundred and fifty dollars; to be paid at the adjournment of the legislature.

For the rent of the Governor's house in Columbia, two hundred and fifty dollars.

For the discharge of the contingent expenses of the lower division, a sum not exceeding six thousand dollars.

For the discharge of the contingent expenses of the upper division of this State, a sum not exceeding six thousand dollars.

For aid in support of the transient poor in Georgetown, the sum of five hundred dollars, to be paid to the commissioners of the poor of Prince George, Winyaw, to be laid out and expended by them for the use of the transient poor; the said commissioners to publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sum laid out for each, as may have been relieved by this fund; an account on oath to be returned to the comptroller-general, and by him submitted to the legislature.

For the salary of two tutors of the South Carolina College, each eight hundred dollars.

For the salary of a Professor of Chemistry in the South Carolina College, sixteen hundred dollars.

For the pay of the magazine guard, to consist of an officer, sergeant, and twelve men, to be paid by and under the direction of the comptroller-general, four thousand dollars.

For commons and other incidental expenses for three boys in College from the Orphan House, for the ensuing year, to be placed in the hands of William Edward Hayne, for their use, four hundred dollars.

For the guard at Camden, to consist of a subaltern and ten men, two thousand dollars.

II. *And be it further enacted* by the authority aforesaid, That the sum of six hundred dollars be, and the same is hereby, appropriated to the professor of logic and moral philosophy, and the sum of six hundred dollars be, and is hereby, appropriated to the professor of languages, in addition to what each of the said professors is already allowed out of the funds appropriated to the South Carolina College; agreeably to a principle established by the appropriation of the year one thousand eight hundred and twelve, of the like sums for that purpose.

For aid in support of the transient poor in Beaufort, five hundred dollars, to be paid to the Town Council of Beaufort, who shall make an annual return on oath, to the comptroller-general, which by him shall be submitted to the legislature, containing the names and numbers of those relieved, and the sums appropriated for the benefit of each individual.

III. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, required to report to the next Legislature, a full statement of the taxes paid in the different districts of the State, for the past and present fiscal years.

IV. *And be it further enacted* by the authority aforesaid, That the different tax collectors throughout the State, shall hereafter be required to leave

Appropriation
to professors.Poor in Beau-
fort.Comptroller to
report the taxes
paid in the dif-
ferent districts.Returns to be
made to the
treasurers.

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Treasurers to pay by checks on bank.

with the treasurer of the division to which they shall be attached, such returns as are now required by law to be left with the comptroller-general.

V. *And be it further enacted* by the authority aforesaid, That all payments hereafter to be made by the treasurers of the upper and lower divisions, shall be by drafts or checks upon the Bank of the State of South Carolina, or its branches, and in no other way; and such drafts or checks, as far as relates to the lower treasury, shall be countersigned by the Comptroller-general for the time being, or his agent or clerk, duly authorized by him for that purpose.

All public officers to pay by a check on the bank.

VI. *And be it further enacted* by the authority aforesaid, That no payment of money shall be made by any public officer in this State, or either of the treasurers, in any other manner than by a check or draft upon the Bank of the State of South Carolina, or its branches which may be nearest to the treasury, so as to make it indispensibly necessary for such public officer to deposit his money in such bank or its branches, previous to his making such payment.

Commissioners of free schools to draw for unexpended balance.

VII. *And be it further enacted* by the authority aforesaid, That the commissioners of free schools shall be authorized to draw for the unexpended balance of appropriations heretofore made for the schools in the several districts.

Appropriation for the poor of Lancaster district.

VIII. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to draw a warrant on the treasury for three hundred dollars, in favor of the commissioners of the poor for Lancaster district, provided they promise to return the same into the treasury on or before the first day of November next.

Appropriation to pay the post-office of certain packets.

IX. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to draw on the treasury for one hundred and fifty dollars, to enable him to procure from the post-office six packets, reported by him to be in that office, and addressed to his department.

To Sarah Martin, for a negro executed, one hundred and twenty-two dollars forty-three cents, not appropriated for at the last session of the Legislature, but agreed to by both houses.

A certain debt due to J. W. Gadsden, to be invested in stock for him.

X. *And be it further enacted* by the authority aforesaid, That the treasurer of the lower division, under the direction of the comptroller-general, shall be, and he is hereby, authorized to invest in such stock as James W. Gadsden may direct, the sum of money appropriated for him by the Legislature in December, 1816, for certain lands taken from him for the erection of the lines before Charleston, until the said James W. Gadsden shall be enabled to make good and sufficient titles to the State for the said land.

A certain tract of land vested in John S. Peart.

XI. *And be it further enacted* by the authority aforesaid, That a certain tract of land lately sold by the treasurer as the property of the estate of John Peart, under mortgage to the loan office, and purchased by John S. Peart, the son and heir of the said John Peart, be, and the same is hereby, vested in the said John S. Peart, subject to the mortgage now in the loan office, given by the father of the said John S. Peart.

Further indulgence granted to W. H. Wigg and D. Doyley.

XII. *And be it further enacted* by the authority aforesaid, That a further indulgence be granted to William H. Wigg and Daniel Doyley, on their debts due the State, until the next meeting of the Legislature.

Council to be employed against T. Key and others.

XIII. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to employ such council as he may think proper to conduct the suit in the court of equity for Edgefield district, against Thomas Key, and the representatives of Robert Ware, deceased, who have received monies and refused to account for the same.

XIV. *And be it further enacted* by the authority aforesaid, That the following sums be appropriated, to wit: A. D. 1817.

For Grant Knowlton, as arrears for pension, six hundred and forty-five dollars.

For Daniel Cook, as arrears of pension, six hundred and forty-five dollars.

For William Kennedy, for arrears of pension, two hundred and ten dollars and fifty cents.

For David Harris, as arrears of pension, one hundred and seven dollars and fifty cents.

For Howard Harris, administrator of Harris Lancaster, thirteen dollars.

For Thomas Gadsden, three hundred dollars.

For Thomas Witherspoon, clerk of Williamsburgh district, twenty-three dollars seventy-one and three-fourth cents.

For Charles Drayton, thirty dollars.

For the commissioners who were appointed to examine the affairs of the Catawba Company, and their expenses for descending the river, three hundred and twenty dollars.

For the Librarian of the Legislature, one hundred dollars.

For making repairs on the South Carolina College, two thousand dollars.

For the salary of a Librarian of the South Carolina College, four hundred dollars.

For John Withers, arrears of pension, sixty dollars.

XV. *And be it further enacted* by the authority aforesaid, That twenty thousand dollars be, and is hereby, appropriated to carry into effect the objects contemplated and set forth in an Act entitled "An Act to repeal the charter of the Catawba Company; and for other purposes relating to the same subject." Catawba company.

XVI. *And be it enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized and empowered to reduce to a single tax all the double tax executions issued by the tax collector for Kershaw district for the last year.

XVII. Whereas, it appears that at a sale of lands made by the commissioners for the sale of confiscated estates, in the month of February, anno domini, one thousand seven hundred and eighty-six, General Mordecai Gist became the purchaser of three tracts of land, and executed a bond and mortgage, dated the 15th February, one thousand seven hundred and eighty-six; but by reason of some irregularity in the transaction, the said commissioners never gave titles to General Gist for the lands bid in by him: And whereas, it appears further, that two of the said tracts of land, viz. one in Ninety-six district, on Obid's creek, then late the property of Lord Montague; and another tract, then late the property of R. English, on Savannah river, on Middle creek, have never been located; and that the only tract which has been located, to wit, a tract on Santee, formerly of Elias Ball, was sold by the direction of the comptroller-general, under the mortgage, on the sixth of November, one thousand eight hundred and nine, when States Gist, Esquire, son and representative of General Gist, to prevent its being sacrificed, bid in the same at the sum of one thousand one hundred and ten dollars; which sum has been paid and placed to the credit of the bond aforesaid: And whereas, it is reasonable and proper that the said States Gist should receive a title for the said tract of land, which has been located, upon paying the sum originally bid for it by his father; and it would be unjust to require payment of the bond given by General Gist as aforesaid, for lands, the right Certain lands to be conveyed to States Gist.

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of which is still actually in the surviving commissioners of confiscated estates: *Be it therefore enacted* by the authority aforesaid, That the surviving commissioners for the sale of confiscated estates be, and they are hereby, authorized and required to make and execute a good and sufficient title for the tract of land on Santee above mentioned, to the said States Gist, his heirs and assigns, upon his paying into the treasury thereof such sum, in addition to the payment already made by him on the sale in the year one thousand eight hundred and nine, as, with the said payment, will equal the price originally bid for the same by General Gist, with interest on the balance, after deducting the amount of said payment, from the sixth day of August, one thousand eight hundred and nine, when the tract was located; or should the said States Gist prefer it, the comptroller-general is hereby authorized and required to refund to the said States Gist the sum paid by him on the sale by the comptroller-general in 1809, with interest from the date of the payment; in which case the comptroller-general is further authorized and required to advertise and sell at auction the said tract of land, for the benefit of the State, on the following terms, viz. one third cash, and the balance in one and two years, secured by bond and mortgage of the land; and the surviving commissioners are hereby required to make titles to the purchaser, his heirs and assigns.

XVIII. *And be it further enacted* by the authority aforesaid, That upon the adoption of either alternative herein before expressed, the comptroller-general is hereby authorized and required to cancel the above mentioned bond given by General Gist.

For John G. Mayer, assessor for the parishes of St. Philip's and St. Michael's, one hundred and eighty dollars.

For repairing the gaol and court-house in Orangeburgh district, two thousand dollars, if so much be necessary.

For building a gaol in Laurens district, three thousand five hundred dollars, if so much be necessary.

For the purchase of a lot from Robert Word, adjoining the lot on which the gaol is now building, three hundred dollars.

For repairing the gaol of Chesterfield district, the sum of one hundred and fifty dollars.

For repairing and enlarging the court-house in Sumter district, two thousand dollars.

For internal improvement, fifty thousand dollars.

For the Winyaw and Wando Canal Company, as the said company shall progress in the contemplated work, any sum which may be called for by the said company under the Act authorizing a subscription to the said company, provided the same shall not exceed forty thousand dollars.

For John Waldo's books, three thousand dollars.

Certain certificates received for confiscated estates sold, to be delivered over to the owners.

XIX. Whereas, certain estates, real and personal, were confiscated and sold under an Act entitled "An Act for disposing of certain estates, and banishing certain persons therein mentioned:" And whereas, certain certificates were issued in favor of the creditors of the estates so confiscated, stating the amount which was to be paid to the creditors out of the monies arising from the sale of said estates: And whereas, in many cases the amount of certificates issued to the creditors exceeded the amount produced by the sale of the estate: And whereas, the bonds and mortgages taken to secure the money arising from said sale, still remain unpaid and unsatisfied: *Be it therefore enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized and directed to deliver over to the owner or owners of the certificates aforesaid, in all

cases where the amount of certificates exceeded the proceeds of the sale, the bonds and mortgages taken by the commissioners on confiscated estates, to secure the purchase money thereof, upon the owner or owners of said certificates delivering up to the comptroller-general the certificate or certificates to be cancelled, and giving a full discharge for any claim which they have against the State in consequence of said certificate or certificates: And in cases where the amount of the certificates does not exceed the amount produced by the sale of the estates, the comptroller-general is hereby authorized and directed to deliver over to the owner or owners of said certificate or certificates, bonds and mortgages to the amount of the said certificate or certificates, on the owner or owners thereof delivering up to the comptroller-general the said certificate or certificates, and giving a full discharge to the State; to the end that the owners of said certificates may take such steps as he, she or they may deem advisable for the recovery of the monies due on said bonds or mortgages; and it is hereby expressly understood and declared that the State will in no case, and under no circumstances, guarantee the title, or consider itself in any way liable for any losses or damages which any future purchasers of the said lands may sustain by reason of a defect of title in the State, or the party selling, or on any other account whatsoever.

A.D. 1817.

For building a court-house and gaol for Colleton district, at Walterborough, twelve thousand dollars, if so much be necessary: *Provided*, That such a title to the land on which the said court-house and gaol shall be built, shall be procured, as the attorney-general and solicitor of the south-eastern circuit shall approve.

For repairing and making book cases in the office of the treasurer in the upper division, one hundred dollars.

For building a court-house and gaol in Beaufort district, twelve thousand dollars, if so much be necessary.

For repairing the gaol in Edgefield district, eight hundred dollars, if so much be necessary.

For Jesse Nettles, junior, late tax collector for Claremont, for expenses attending a journey to Charleston, to see the comptroller-general, who had erroneously charged him with a sum of money which he was not liable to pay, twenty dollars.

For repairing Richland gaol, eight hundred dollars, if so much be necessary.

For the erection of a fire-proof office for the records of Newberry district, twelve hundred dollars, if so much be necessary.

For the repairs of the arsenal and magazine at Camden, subject to the direction of the Governor, eight hundred dollars, if so much be necessary.

For the repairs of the magazine near Charleston, one hundred dollars, if so much be necessary.

For the repairs of the arsenal at Charleston, two hundred dollars, if so much be necessary.

For the erection of a suitable building for a hospital for the magazine guard, five hundred dollars, if so much be necessary.

For the repairs of the Charleston court-house, fifteen hundred dollars, if so much be necessary.

For Thomas J. Horsey, for certain losses and damages sustained by the erection of fortifications, three hundred and one dollars.

For James Frazier, for certain losses and damages sustained in the erection of fortifications, one hundred and sixty-five dollars.

For Samuel Crossland, for a negro executed, one hundred and twenty-two dollars forty-three cents.

A. D. 1817.

For Thomas A. Vardell, for losses and damages sustained in the erection of fortifications, by the destruction of buildings, four hundred dollars.

XX. *And be it further enacted* by the authority aforesaid, That the arsenal in Charleston be enlarged by the purchase of the lot adjoining the same, on the west side thereof, and Thomas Lee, Keating Simmons, John C. Faber, William S. Smith and R. Y. Hayne, Esqrs., be, and they are hereby appointed, commissioners on the part of the State, and that an equal number be appointed on the part of the proprietor of said lot, to value the same, and that upon the said valuation being paid by the comptroller-general, that the said lot, so intended for public use, shall be vested in the State.

For Ephraim Merrit, for his expenses in going to the State of Georgia, in pursuit of Hiram Haig, a fugitive from justice, under the order of the late Governor Williams, in addition to what he has already received, fifty-one dollars.

For the honorable Judge DeSaussure, to defray, in part, the expenses of printing the third and fourth volumes of equity reports, twelve hundred dollars.

For the repairs of the gaol and court-house for Lexington district, four hundred dollars, if so much be necessary; and that John C. Bell, John M'Creless, and Lewis Pou, be, and they are hereby, appointed to carry the same into effect, and make a report thereon at the next meeting of the Legislature.

For John M'Millan, late sheriff of Pendleton district, sixty dollars, which he paid for the apprehension of a prisoner who broke gaol.

For Thomas Payne, one hundred and sixty dollars ninety cents, for removing a prisoner from Greenville district to the constitutional court at Columbia, and back again.

For Stephen M'Elheney, for property lost during the revolutionary war, sixty-eight dollars eighty-seven and one half cents.

To the sheriff of Orangeburgh district, for costs of suit against Robert Hails and William Clemens, treasurers, in the case of said State officers against the administrators of John Hampton, twenty-nine dollars seventy-five cents.

For Elizabeth Clark, for boarding, washing, lodging, fire wood, candles, &c. furnished A. E. Love, a student in the South Carolina College from the orphan house in Charleston, one hundred and forty-one dollars.

For John Suder, for the rent of his long room, in which the court of equity was held in June term last, thirty-two dollars.

For the balance of salary of the attorney general, for giving advice to the governor and other officers in matters of public concern, not provided for in the Act making appropriations for the year 1812, three hundred dollars.

For the balance of salaries of the clerks of the Senate and House of Representatives, then in office, not provided for in the Act making appropriations for the year 1812, each three hundred and thirty dollars.

For the balance of compensation for the two door keepers of the Legislature, then in office, not provided for in the Act making appropriations for the year 1812, each fifty-six dollars.

For the balance of compensation to two messengers, not provided for in the Act making appropriations for the year 1812, each fifty-six dollars, to be paid at the adjournment of the legislature.

For John Stewart, for making repairs and lengthening the judges seat in the town of Columbia, twenty-five dollars.

XXI. *And be it further enacted* by the authority aforesaid, That thirty- A.D. 1817.
seven thousand dollars be appropriated for the support of free schools.
To James Kerr, for pensions, two hundred dollars.
To Jane Moore, for pensions, sixty dollars.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

THOS. BENNETT, *Speaker of the House of Representatives.*

AN ACT to Incorporate the Charleston Fire and Marine Insurance No. 2174.
Company.

(Passed December 16, 1818. *See last volume.*)

AN ACT to enlarge the jurisdiction of the inferior City Court of No. 2175.
Charleston.

(Passed December 18, 1818. *See last volume.*)

AN ACT to alter and amend the Charter of the Bank of the State No. 2176.
of South Carolina.

(Passed December 16, 1818. *See last volume.*)

AN ACT DIRECTING A CENSUS TO BE TAKEN OF THE FREE WHITE No. 2177.
INHABITANTS OF THIS STATE.

WHEREAS, by the third section of the first article of the constitution of this State, as amended on the seventeenth day of December, 1808, it is provided, that for the purpose of an apportionment of the representation of the several election districts of the State, an enumeration of the white inhabitants shall be made every tenth year, in such manner as shall be by law directed. Preamble.

1. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of carrying into effect the said provision of the constitution, in regard to the taking the census of all the free Persons to be appointed to take the census.

A. D. 1818.

Their duty.

white inhabitants of this State, a fit and proper person shall be appointed by joint resolution of both branches of the Legislature, during the present session, in each and every circuit court district throughout this State, for taking the same; and in case any person appointed as above shall refuse to accept such appointment, or a vacancy shall happen in any appointment previously accepted, by death, resignation or otherwise, the governor for the time being, shall forthwith appoint some fit and proper person to fill such vacancy; and it shall be the duty of each and every person so appointed, to make a faithful, accurate and distinct census of all the free white inhabitants residing in each and every election district contained within the circuit district for which he shall have been appointed, so far as the whole or any part of the several election districts shall be contained therein; and each and every person appointed as aforesaid, shall, in making a return of the census he shall be appointed to take, designate and specify, on oath or his religious affirmation, (to be taken before and certified by a justice of the quorum,) the number of free white inhabitants residing in each and every election district, or part of an election district, contained in the circuit district for which he shall have been appointed.

Returns to be made by the first of August.

II. *And be it further enacted* by the authority aforesaid, That each and every person appointed as aforesaid to take the census in the several circuit court districts in this State, shall, on or before the first day of August next, deliver their several returns at the respective offices of the secretary of State, carefully sealed, certified and directed to his excellency the governor, to wit: those residing in the upper division of the State, at the office of the secretary of State in Columbia, and those residing in the lower division of the State, at the office of the secretary of State in Charleston.

And to be examined by the governor.

III. *And be it further enacted* by the authority aforesaid, That the governor for the time being shall, as early as possible after the first day of August next, examine what returns have been made; and in case it shall appear to him that any person or persons appointed to take the census as aforesaid, shall in any wise have failed in complying with the duties imposed upon him or them by this Act, either in taking the census, or in making a return of the same, he shall forthwith cause the same to be taken and returned pursuant to the provisions of this Act, in every election district or districts where such default shall or may be made.

Compensation to those who take the census.

IV. *And be it further enacted* by the authority aforesaid, That each and every person so appointed and employed, and who shall have completed the census in the respective circuit court districts, shall receive a reasonable compensation therefor.

Oath to be taken by them.

V. *And be it further enacted* by the authority aforesaid, That each and every person appointed to take the census, shall, before entering on the duties of his office, take before some justice of the quorum the following oath, to wit: "I, A. B. do solemnly swear, (or affirm, as the case may be,) that I will honestly, truly, faithfully and impartially, take a correct census of all the free white inhabitants, residing within the—election district of—or part of the election district contained within the—circuit court district: So help me God." And a certificate from the justice of the quorum who shall administer the said oath, that the same hath been duly taken before him, shall accompany and be delivered in with each and every return of the census.

Oath to be endorsed on the return.

VI. *And be it enacted* by the authority aforesaid, That the following oath shall be taken before some justice of the quorum, and a certificate endorsed by the said justice on the back of the return from each

election district, purporting that the said oath hath been duly taken before him, previously to such return being delivered in or received at the office of the secretary of state, either in Columbia or Charleston, to wit: "I, A. B. do swear, (or affirm, as the case may be,) that this packet contains a just, true, correct and impartial return of all the free white inhabitants residing in the——election district of——and part of the election district contained within the——circuit court district, as taken by me: So help me God."

A. D. 1818.

VII. *And be it further enacted* by the authority aforesaid, That in case any person who shall or may be appointed under this Act, for taking the census in any part of this State, should by sickness or other imperious or unavoidable cause, be prevented from delivering in at the proper and respective office of the secretary of State a return of the census so by him made, in manner and form as aforesaid, then, and in that case, he shall transmit, by some faithful and responsible person, the return of the census which he shall have taken within the election district for which he was appointed; and the person or persons by whom any returns as aforesaid may be transmitted, shall, on delivering the said return at the proper office of the secretary of State, take, before the secretary of State or his deputy, (as the case may be,) the following oath, to wit: "I, A. B. do swear, (or affirm, as the case may be,) that I received this sealed packet from the hands of C. D. and that the same hath not been opened or in any wise altered or out of my possession, since it was received by me: So help me God."

How to proceed in case of sickness or accident.

VIII. *And be it further enacted* by the authority aforesaid, That each and every head or master of a family shall, when summoned thereto by the person appointed under this Act to take the census in his, her or their election district, make, on oath or religious affirmation, a correct return of all and every free white person of whom his family is composed, under the penalty of twenty dollars.

Heads of families to make returns.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO APPROPRIATE AND SET APART ONE MILLION OF DOLLARS FOR INTERNAL IMPROVEMENTS; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2178.

WHEREAS, it is expedient to appropriate one million of dollars for the Internal Improvement of the State. Preamble.

I. *Be it therefore enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the faith of the State is hereby pledged to appropriate and set apart one million of dollars for the Internal improvement of the State, and that the sum of two hundred and fifty thousand dollars, annually, be, and the same is hereby, appropriated for the term of four years, to be paid out of the annual balances in the treasury, and from the yearly dividend of the Bank of the State of South Carolina.

Appropriation for Internal Improvement, \$1,000,000.

A. D. 1818.
 \$250,000 annu-
 ally for four
 years to be ex-
 pended, &c.

II. *And be it further enacted* by the authority aforesaid, That the said sum of two hundred and fifty thousand dollars, per annum, for the term of four years, shall be laid out and expended in improving the navigation of the rivers, and other water courses of the State, in opening and constructing turnpike roads, in cutting canals, and in such other works as will facilitate the transportation of the productions of the soil to market, in such manner as shall be prescribed by the legislature.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

ROBERT Y. HAYNE, *Speaker of the House of Representatives.*

No. 2179. AN ACT to give the the Judges of the Court of Sessions and Common Pleas, the same authority to grant Writs and hear and determine Motions at Chambers, as they now have in open Court; and for other purposes therein mentioned.

(Passed December 16, 1818. *See last volume.*)

No. 2180. AN ACT to establish certain Roads, Bridges and Ferries; and for other purposes therein mentioned.

(Passed December 18, 1818. *See last volume.*)

No. 2181. AN ACT to change the place for holding the courts of justice in Lexington District.

(Passed December 18, 1818. *See last volume.*)

No. 2182. AN ACT TO AUTHORIZE AND REQUIRE JURIES EMPANNELLED IN CHARLESTON DISTRICT TO SIT IN CERTAIN CASES BEYOND THE TERM OF ONE WEEK, FOR WHICH THEY ARE USUALLY EMPANNELLED.

Preamble.

WHEREAS, by an Act of the General Assembly of this State, juries are directed to be empannelled for the district of Charleston, to sit for the term of one week only, although the terms established for holding the courts of the said district are of several weeks duration, and many causes

of litigated and important nature, commenced and not determined within the term for which the said juries are so empannelled as aforesaid, prove to be mis-trials, and very great delays and manifest injustice are occasioned thereby.

A. D. 1818.

I. *Be it therefore enacted* by the honorable the Senate and house of Representatives, now met and sitting in general assembly and by the authority of the same, That any jury in Charleston district which shall hereafter be empannelled, and charged with the trial of any issue, civil or criminal, whose term of one week shall terminate or expire before the final decision of such issue, such jury shall not be discharged as heretofore, but it shall and may be lawful for the presiding judge to adjourn the said jury to the ensuing week, in like manner as juries are adjourned from day to day; and such jury shall duly attend at the time to which they are so adjourned, and resume the consideration of such issue, until such jury shall have finally made up their verdict and disposed of such issue, or shall otherwise be lawfully discharged from the consideration thereof: any law, custom or usage to the contrary thereof in any wise notwithstanding.

Juries in Charleston may sit more than one week to end a case.

II. *And be it further enacted* by the authority aforesaid, That any juror composing such jury as shall be so adjourned as aforesaid, who shall refuse or neglect to attend at the time and place to which he shall be so adjourned in conformity with this Act, shall be subject to the same pains, forfeitures and penalties, as by the laws of this State are usually imposed upon jurors who shall make default: *Provided always* nevertheless, that nothing in this Act contained shall be construed or considered so as to give any extension of the terms already appointed by law for holding the said courts of Charleston district.

Penalty for default.

Term of Court not to be extended.

III. *And be it further enacted* by the authority aforesaid, That the provisions contained in the foregoing clauses, shall apply to and be enforced in every other district in this State, in which the courts may or shall be held for more than one week during any term, and the jury shall be empannelled for one week only.

The same rule in all districts where the courts sit more than one week.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

ROBERT Y. HAYNE, *Speaker of the House of Representatives.*

AN ACT to establish three Circuit Courts in Charleston District; and No. 2183.
for other purposes.

(Passed December 18, 1818. *See last volume.*)

AN ACT to alter and amend the Charter of the Bank of the State No. 2184.
of South Carolina.

(Passed December 18, 1818. *See last volume.*)

A. D. 1818.

No. 2185. AN ACT to repeal so much of the fourth section of the Act of 1769, as authorizes the Governor and Commander-in-chief, in certain cases to appoint and commission persons to hold the courts of sessions and common pleas.

(Passed December 16, 1818. *See last volume.*)

No. 2186. AN ACT TO EMPOWER THE MANAGERS OF ELECTIONS HEREAFTER TO BE HELD, TO ADMINISTER TO EACH OTHER THE OATH PRESCRIBED BY LAW TO BE TAKEN BEFORE ENTERING UPON THE DUTIES OF THEIR APPOINTMENT; AND TO PRESCRIBE THE MODE OF FILLING VACANCIES WHEN THEY OCCUR.

Managers of election may administer oath to each other.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the managers appointed to conduct elections to be made by the people, shall be, and they are hereby, authorized and empowered to administer to each other, respectively, the oath or oaths prescribed to be taken before entering on the duties of their appointment.

Majority of Delegation may fill vacancies in the managers.

II. *Be it further enacted* by the authority aforesaid, That in case of the death, removal from the district, or refusal to serve, of any manager or managers of elections to be made by the people, it shall be the duty of the delegation in both branches of the Legislature, or a majority of them, to appoint fit and proper persons to fill up such vacancy; which appointment, under the hands of the said delegation as aforesaid, shall be a sufficient authority to hold such election: *Provided nevertheless*, That nothing herein contained shall exempt any manager from such fine as is now imposed by law for not serving as manager.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

ROBERT Y. HAYNE, *Speaker of the House of Representatives.*

No. 2187. AN ACT to increase the number of places of Elections, now limited by Law, for the Elections of Colonels and Majors in each Regiment or Battalion throughout the State; and for other purposes therein mentioned.

(Passed December 18, 1818. *See last volume.*)

A. D. 1818.

AN ACT TO EXTEND THE POWERS OF THE COMMISSIONERS OF CROSS ROADS ON CHARLESTON NECK. No. 2188.

WHEREAS, it has been represented to the Legislature, by the inhabitants and land holders on Charleston Neck, that from the increased population of the said Neck, and the extent thereof, the present powers vested by law in the commissioners of the cross roads for that part of Saint Philip's parish not within the limits of the city of Charleston, are not sufficient for the safety and good government of the inhabitants thereof:

Preamble.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the present commissioners of the said cross roads, and those who may be hereafter elected, shall have power, from and immediately after the passage of this Act, to regulate the assize of bread, conformably to the assize of the city of Charleston, and within the local limits of the jurisdiction of the said commissioners of cross roads; and that they shall have the power to regulate, within their jurisdiction as aforesaid, the standard of weights and measures, conformably to the weights and measures now used in the city of Charleston: *Provided*, That nothing herein contained shall be construed to militate against, or interfere with, the right which is reserved by the constitution of the United States, to the Congress of the United States, to fix the standard of weights and measures.

Commissioners of cross roads to regulate assize of bread, and weights, and measures.

II. *And be it further enacted* by the authority aforesaid, That the said commissioners of cross roads shall be, and they are hereby, authorized to assess any sum not exceeding twenty-five per cent. on the general tax upon the property within their local limits aforesaid, to be applied by them, not only to keep in repair the streets and cross roads, but all such purposes as shall be deemed by them, or a majority of them, necessary to promote the health, safety, and good government of the said inhabitants.

May assess 25 per cent. on general tax.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO VEST IN THE MEMBERS AND SUPPORTERS OF THE UNITED INDEPENDENT OR CONGREGATIONAL CHURCH OF DORCHESTER AND BEECH HILL, CERTAIN LOTS OF LAND IN DORCHESTER; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2189.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by and with the authority of the same, That all the right, title and interest which the State of South Carolina has, or may claim, of and in two certain lots of land in the village of Dorchester, whereof one Joseph D. Thomas, deceased, was in his lifetime seized and possessed, be, and the same is hereby,

Right of the State to certain lots vested in others.

A. D. 1818.

assigned, transferred and granted to the members and supporters of the United Independent or Congregational Church of Dorchester and Beech Hill, to them and their successors forever.

II. *And be it further enacted* by the authority aforesaid, That all the right, title and interest, which the State of South Carolina has or may claim, by escheat, of and in the real estate whereof Frederick Joseph Wallern, late of the district of Newberry, was in his lifetime seized and possessed, be, and the same is hereby, assigned, transferred and granted to Mary Ursula Wallern, the wife of the said deceased, to her and her heirs forever.

III. *And be it further enacted* by the authority aforesaid, That all the right, title and interest which the State of South Carolina has or may claim, by escheat, in the real estate of James Gooch, deceased, be, and the same is hereby, assigned, transferred and granted to and vested in John Gooch, and his heirs, forever.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2190. AN ACT to provide for transcribing the journals of the courts of Common Pleas and General Sessions for Union district; and for other purposes.

(Passed December 18, 1818. *See last volume.*)

No. 2191. AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT A RECEIVER OF THE MONIES ARISING FROM THE SALES OF THE LANDS LATELY ACQUIRED FROM THE CHEROKEE INDIANS.

Governor to
appoint receiver.
I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor of this State, for the time being, shall be, and he is hereby, authorized, empowered and required to appoint some fit and proper person in the district of Pendleton, to receive the monies arising from the sales of lands lately acquired from the Cherokee Indians, and that the said receiver shall be commissioned by the Governor, on his executing a bond with three or more good and sufficient surties, to be approved by the commissioners appointed to approve the securities of public officers in the said district, with a condition thereto annexed, that he will well and faithfully execute the duties of his said appointment.

Duties of Receiver.

II. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the said receiver to receive all monies arising from the

sales of the said lands as the same shall become due, keep regular accounts and make true and correct returns thereof, and pay over all the monies so by him received, on or before the first day of August, in every year, to the treasurer of the upper division.

A. D. 1818.

III. *And be it further enacted* by the authority aforesaid, That so soon as a receiver shall be duly appointed and commissioned as aforesaid, the treasurer of the upper division shall be, and he is hereby, required to deliver over to the said receiver all the bonds now in his office taken for the purchase money of the said lands.

Treasurer to deliver him bonds.

IV. *And be it further enacted* by the authority aforesaid, That hereafter it shall not be necessary for any purchaser, in order to receive a grant for any of the said lands purchased by him, to produce the treasurer's receipt for the last instalment; but it shall be sufficient to produce the receipt of the said receiver for the said last instalment, and upon the production thereof to the surveyor-general, he shall certify and pass through his office a plat of the lands so purchased, and the secretary of State shall issue a grant in the manner and under the conditions of the Act passed on the seventeenth day of December, one thousand eight hundred and seventeen, entitled "An Act to authorize the Governor of this State to cause that part of the lands purchased of the Cherokee Indians which has been surveyed and divided into tracts, to be sold as early as possible; and for other purposes therein mentioned."

Grants how to be obtained.

V. *And be it further enacted* by the authority aforesaid, That the said receiver shall, as a compensation for his services, be allowed to retain five per centum on all the monies received by him from the sales aforesaid, and no more.

Allowance to receiver.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

ROBERT Y. HAYNE, *Speaker of the House of Representatives.*

AN ACT TO VEST IN JANE JONES A CERTAIN LOT OF LAND IN THE No. 2192. CITY OF CHARLESTON.

WHEREAS, Abraham Jones and Jane Jones his wife, formerly Jane Walker, have, by their petition to the Legislature, represented that the former husband of the said Jane Jones, to wit, William Walker, late of Charleston, deceased, a citizen of the United States, was, in his lifetime, and at the time of his death, possessed of a lot of land, situate in the said city of Charleston, at the corner of Archdale and Beaufain-streets, and containing about thirty-eight feet in front, on Archdale-street, and one hundred and thirty-five feet on Beaufain street, which lot of land was purchased by the said William Walker of Robert M'Kay; that the said William Walker died intestate, and without leaving any lawful issue, or any heir in this country, other than the said Jane Jones, who could be in any manner entitled to a share in his real estate, and doubts might arise whether a part of the said lot may not be liable to escheat: And whereas, from the circumstances of the case, it is just and equitable that the said Jane Jones should possess and retain the said lot of land:

Preamble.

A. D. 1818.

Certain lot
vested in Jane
Jones.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That all the right, title, interest or claim which has accrued, or may accrue, to the State in the said lot, by escheat or otherwise, be, and the same is hereby, vested in the said Jane Jones, her heirs and assigns, in fee simple absolutely and forever.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of American.

JAMES R. PRINGLE, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2193. AN ACT TO TRANSFER TO THE TOWN COUNCIL OF CAMDEN THE POWER AND DUTY OF ORGANIZING, DETAILING, AND ENFORCING THE PERFORMANCE OF PATROL DUTY IN THAT PLACE.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of same, That from and after the passing of this Act, the power and duty of organizing, detailing and enforcing the performance of patrol duty in the beat company or other companies in the town of Camden, be, and the same is hereby, transferred to the town council of the said town.

II. *And be it further enacted* by the authority aforesaid, That the members of the said town council shall be subject to the same penalties for neglect of patrol duty, that the captains of beat companies are now subject to by law.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2194. AN ACT TO OPEN AND IMPROVE THE NAVIGATION OF THE DOCKON AND WHAPPAHoola CREEKS, AND TO ESTABLISH A PUBLIC LANDING AT THE HEAD OF THE NAVIGABLE WATERS THEREOF.

Preamble. WHEREAS, certain inhabitants of St. John's, Berkley, by their petition, have set forth that the improvement of the navigation of Dockon and Wappahoola creeks, and the establishment of a public landing at the head of the navigable waters thereof, would be highly beneficial to the inhabitants of the said parish, and that the petitioners are willing, at their own expense, to undertake the opening the channel of the said creeks, and the formation of a landing at the head of the navigable parts thereof;

1. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That the navigation of the Dockon and Wappahoola creeks shall, and the same is hereby declared to, be free and common to all and singular the citizens of this State; and that it shall not be lawful to obstruct and hinder the free use and navigation thereof, nor to prevent any person or persons from removing any obstruction or impediment in the use and navigation thereof, in such manner as all persons may lawfully do in the case of any navigable waters or highway.

A. D. 1818.

Dockon and
Wappahoola
declared public
rivers.

II. *And be it further enacted* by the authority aforesaid, That the landing to be made and constructed at or near the head of the navigable waters of the said creeks, on the lands of Alexander and Paul Mazyck, shall be a public landing, and the same is hereby declared to be free and common to all persons using or to use the same.

Public landing.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT to repeal the Act, passed at December session, in the year one thousand eight hundred and sixteen, and the amendatory Act thereto, passed at December session, one thousand eight hundred and seventeen, prohibiting and restricting the bringing of negroes into this State from the sister States.

No. 2195.

(Passed December 16, 1818. See last volume.)

AN ACT TO AUTHORIZE THE HONORABLE THEODORE GAILLARD TO LEAVE THE STATE.

No. 2196.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That the Honorable Theodore Gaillard, one of the judges of the court of equity, be, and he is hereby, authorized and permitted to be absent from the State, at one or several times, provided that the whole term of his absence shall not exceed eight months.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

ROBER Y. HAYNE, *Speaker of the House of Representatives.*

A. D. 1818.

No. 2197. AN ACT TO PERMIT WILLIAM H. GIBBES, MASTER IN EQUITY, AND STEPHEN ELLIOTT, PRESIDENT OF THE BANK OF THE STATE, TO LEAVE THE STATE FOR A LIMITED TIME.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That William H. Gibbes, master in equity, be, and he is hereby, permitted to be absent from the State for a term not exceeding twelve months.

II. *And be it further enacted* by the authority of the same, That Stephen Elliott, President of the Bank of the State of South Carolina, be, and he is hereby, permitted to be absent from the State for a term not exceeding six months.

In the Senate House, the eighteenth day of December, in the year of our Lord, one thousand eight hundred and eighteen, and in the forty-third year of the Independence the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2198. AN ACT to alter and amend an Act entitled "An Act to appoint a Board of Commissioners for the city of Charleston, with power and authority to declare in what cases the streets, lanes and alleys of the city shall be widened."

(Passed December 18, 1818. *See last volume.*)

No. 2199. AN ACT to excuse the officers of the several Branches of the Bank of the State of South Carolina, from the performance of ordinary Militia duty, and serving on Juries.

(Passed December 16, 1818. *See last volume.*)

No. 2200.

AN ACT to incorporate certain Societies.

(Passed December 18, 1818. *See last volume.*)

A. D. 1818.

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO CONTINUE IN FORCE AN ACT ENTITLED AN ACT TO INCORPORATE THE TOWN OF BEAUFORT; AND FOR OTHER PURPOSES THEREIN MENTIONED," SO FAR AS RELATES TO THE ESTABLISHMENT OF THE INFERIOR COURT OF RECORD OF BEAUFORT; AND ALSO TO RE-ESTABLISH THE COURT OF WARDENS THEREIN. No. 2201.

WHEREAS, by an Act passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, entitled "An Act to continue in force an Act entitled an Act to incorporate the town of Beaufort; and for other purposes therein mentioned," an inferior court of record was established in the said town: And whereas, the said court hath been found burdensome, expensive, and not calculated to produce the advantages contemplated:

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of the above recited Act as relates to the establishment of an inferior court of record in the town of Beaufort, and prescribes the proceedings of the said court, be, and the same is hereby, repealed.

II. *And be it further enacted* by the authority aforesaid, That the court of wardens be, and the same is hereby, re-established in the said town, and vested with the same power, authority and jurisdiction prescribed by the Act entitled "An Act to incorporate the town of Beaufort, and for other purposes therein mentioned," passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and three.

In the Senate House, on the sixteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

ROBERT Y. HAYNE, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE COMMISSIONER OF THE TOWN OF COLUMBIA TO CONVEY TO THE INTENDANT AND WARDENS OF THE TOWN OF COLUMBIA, TO THE OFFICERS AND MEMBERS OF LODGE NUMBER (68) SIXTY-EIGHT, TO THE OFFICERS AND MEMBERS OF THE AGRICULTURAL SOCIETY, TO THE OFFICERS AND MEMBERS OF THE MEDICAL BOARD, AND THEIR SUCCESSORS, A LOT IN THE TOWN OF COLUMBIA. No. 2202.

WHEREAS, it appears reasonable that a part of the public lot on which the gaol in the town of Columbia stands, should be disposed of for the benefit of the said town, Lodge (No. 68) number sixty-eight, Ancient Free Masons of South Carolina, the South Carolina Agricultural Society, and the Medical Board of South Carolina:

Preamble.

A.D. 1818.

Commissioner
to make title to
lots to several
Societies.

I. *Be it enacted* by the the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioner of the town of Columbia, for the time being, be, and he is hereby, authorized and required to execute titles, and to convey, to the Intendant and Wardens of the town of Columbia, and their successors in office, for the use of the said town; to the officers and members of Lodge (No. 68,) number sixty-eight, Ancient Free Masons of South Carolina, and their successors, for the use of the said lodge; to the officers and members of the South Carolina Agricultural Society, and their successors, for the use of the said society; and to the officers and members of the Medical Board of South Carolina, and their successors, for the use of the said board, the following part of the public lot in the town of Columbia, on which the gaol stands, to wit: eighty feet running parallel with Richardson-street, and fifty feet running parallel with Washington-street, commencing the same distance from the corner of the said streets as the court-house now stands from the said streets.

Building to be
erected.

II. *And be it further enacted*, That in consideration of the said conveyance, the said grantees, or some or one of them, and their successors, shall erect, or cause to be erected, on the said lot, a building of brick or stone, of length and breadth not less than seventy by forty feet, within the space of three years from the passing of this Act, which shall be appropriated to the use of town meetings, and meetings of the Intendant and Wardens for the time being, to the use of the meeting of said Lodge, and the meetings of the South Carolina Agricultural Society, and of the Medical Board of South Carolina, and their committees and subordinate bodies, and boards of managers, and for a public market, if said grantees shall so determine, and for the safe keeping of their records, books and implements, and for no other purposes whatever; and the said grantees, or some or one of them, shall further be obliged, in consideration of the said conveyance, to erect, or cause to be erected, and kept in good repair, a large and good town clock, to be placed in or upon the said building, with bells sufficiently large to be heard throughout the said town: But if they shall fail or neglect to erect the said building within the time specified, and to erect the said clock, or if the same shall be destroyed by accident, and they shall fail to rebuild the same for the space of three years, or shall convert the said building to any other purposes than the above, or those which may be strictly for the use and occupancy of the said grantees, and in the legitimate course of their association, then the said conveyance hereby authorized and ordered to be made, and every part thereof, shall cease and be utterly null and void, and the lot ordered to be conveyed shall revert to and become the property of the State.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Sovereignty and Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

ROBERT Y. HAYNE, *Speaker of the House of Representatives.*

No. 2203. AN ACT to incorporate the Grand Lodge of Ancient Free Masons of South Carolina; and for other purposes therein mentioned.

(Passed December 16, 1818. See last volume.)

A. D. 1813.

AN ACT TO ENABLE THE INTENDANT AND WARDENS OF THE TOWN OF COLUMBIA TO BORROW MONEY FOR THE PURPOSE OF SUPPLYING THE SAID TOWN WITH WATER; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, it would conduce much to the health and convenience of the inhabitants of the town of Columbia if they could be supplied with good water: And *whereas*, the intendant and wardens of said town have by their petition, represented that if they were empowered to borrow a sufficient sum of money, this desirable end may be easily accomplished.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the intendant and municipal wardens of the town of Columbia shall be, and they are hereby, empowered to borrow of any corporation or individual or individuals, a sum of money not exceeding twenty-five thousand dollars, at such interest and payable at such times and in such manner as shall be deemed prudent by them.

II. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the said intendant and wardens to levy, by tax on the taxable property of the town of Columbia, a sum sufficient to pay the interest on the said loan from year to year, and to discharge the principal of the said loan when the same shall become due, and to constitute a sinking fund for the redemption thereof.

III. *And be it further enacted* by the authority aforesaid, That the said sum of money, or so much thereof as may be necessary for that purpose shall be by the said intendant and wardens laid out and expended in supplying the town of Columbia with water, in such manner as may be by them deemed most expedient.

IV. *And be it further enacted* by the authority aforesaid, That the commissioner of the town of Columbia shall be, and he is hereby, required to convey to the corporation of the said town, a square of four acres of land, bounded by Pickens, Lady, Henderson and Washington streets, and lots number forty-three and forty-four on Washington street, and also so much of Lady, Henderson and Washington street, as lie adjoining the said square and lots.

V. *And be it further enacted* by the authority aforesaid, That for the purpose of supplying the said town of Columbia with water, that the said corporation shall be, and they are hereby, authorized and empowered to divert from its usual channel any stream or streams of water in or adjacent to the said town, making to the person or persons injured thereby adequate compensation for the same, which compensation shall be ascertained by five commissioners to be appointed by the court of equity or common pleas, on application by petition for that purpose by the said corporation or person injured: And the said intendant and wardens shall have power to appropriate to the uses aforesaid, any private property which may be necessary for the purpose of constructing such reservoirs of water, and laying down such pipes and aqueducts, as are necessary to collect and distribute water through the said town; and if the said intendant and wardens, and the owner or owners of such property, shall not be able to agree on its value, then the same shall be ascertained by five commissioners to be appointed by the court of equity or common pleas, on

Intendant and wardens authorized to borrow money.

To levy a tax on the taxable property.

To supply the town with water.

Lots to be conveyed to them.

May turn streams of water, and use private property.

A. D. 1818.

application by petition for that purpose by the said corporation or the person whose property shall be so appropriated; and on paying the said sum so ascertained, the said property shall be vested in the said corporation of the said tow of Columbia.

Public build-
ings to be sup-
plied with wa-
ter.

VI. *And be it further enacted* by the authority aforesaid, That as soon as the said water works are constructed, and water shall thereby be introduced into the town, the comptroller general shall draw his warrant in favor of the said corporation on the treasury of the State, for the sum of five thousand dollars; and in case the said town shall take the said draft and receive the said money, the colleges and all the buildings connected therewith, the public academies, court house, gaol, state house, and other buildings which the State may hereafter erect in the said town, in consideration thereof shall be forever exempted from all charge for supplies of water, which may be, at the expense of the trustees of the said colleges and academies, and of the State, conveyed from the said waterworks, or distributing pipes thereof, to the said colleges, academies and other public buildings.

Intendant and
wardens may
transfer their
powers.

VII. *And be it further enacted* by the authority aforesaid, That in case the said intendant and wardens shall not be able, or shall deem it inexpedient, to raise by loan or otherwise, the monies necessary for the construction of the said works, that then and in that case the said intendant and wardens are hereby authorized to transfer to any individual or company of individuals, all the powers granted to them by this Act, excepting the powers of borrowing money by loan and levying taxes on the property of the said town; and the individual or company of individuals to whom such transfer shall be made, shall be authorized to supply the said town with water, on such terms and with such privileges as shall by the articles of transfer be stipulated.

Persons re-
ceiving said
transfer, to be
called the Co-
lumbia Water-
ing Company.

VIII. *And be it further enacted* by the authority aforesaid, That in case the said transfer shall be made to a company of individuals, the said company, on lodging in the office of secretary of State the said articles of transfer, shall receive letters patent, constituting the said company a corporation, or body politic, by the name of the Columbia Watering Company, with all the powers incident to corporations.

No billiard ta-
ble to be kept
in Columbia.

XI. *And be it further enacted* by the authority aforesaid, That the intendant and wardens of the town of Columbia aforesaid, shall not hereafter, upon any pretence whatever, issue a licence to keep a billiard table in the town of Columbia.

X. *And be it further enacted* by the authority aforesaid, That if any person or persons shall hereafter set up or continue in the town of Columbia any billiard table after his, her or their license now granted shall expire, every such person or persons shall forfeit his, her or their billiard table to the use of the said town, and the marshal of the said town is hereby authorized, empowered and required to enter into any house in which a billiard table shall be kept, and the same to seize, take and dispose of to the use and benefit of the said town; and in addition thereto, every person or persons who shall be convicted of keeping a billiard table in said town, shall be imprisoned for the space of six montes in the common gaol of the district of Richland, and shall also forfeit and pay the sum of two thousand dollars, and shall stand further committed for the space of twelve months, unless the said fine is sooner paid.

Nor within 15
miles of that
place.

XI. *And be it further enacted* by the authority aforessaid, That the commissioners of the roads in and for the districts of Richland and Lexington, shall not hereafter grant a license for keeping a billiard table within fifteen miles of the said town of Columbia; and every person or persons

keeping a billiard table within fifteen miles of the town of Columbia, shall be adjudged to keep a billiard table without license, and be subject to the pains and penalties herein before prescribed in the next preceding clause.

A. D. 1818.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO AUTHORIZE THE No. 2205.

GOVERNOR OF THIS STATE TO CAUSE THAT PART OF THE LAND PURCHASED OF THE CHEROKEE INDIANS, WHICH HAS BEEN SURVEYED AND DIVIDED INTO TRACTS, TO BE SOLD AS EARLY AS POSSIBLE; AND FOR OTHER PURPOSES THEREIN MENTIONED."

WHEREAS, by the fifth clause of the said Act, the Treasurer is directed, in the event of any instalment becoming due for lands sold by the authority of the said Act, and payment thereof delayed, to give the person making default thirty days notice, and after the expiration of the said notice, if payment should not be made, to forthwith cause the tract of land of which default has been made in the payment of the purchase money, to be sold; but the manner in which said notice is to be given, or the place where such sale is to be made, on the terms thereof, are not prescribed by said Act: For remedy whereof,

Preamble.


I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That the treasurer of the upper division, in the event of any instalment becoming due for lands sold under and by virtue of the said Act, and there shall be a delay of payment, shall give the person making default sixty days notice, by publishing the same for that time in the Carolina Gazette, State Gazette and Pendleton Messenger, or [in] any other Gazette the Treasurer may think proper; and if, upon the expiration of the said notice, payment shall not be made, together with the costs of publishing said notice, the said treasurer shall forthwith cause the said tract of land, of which default has been made in the payment of the purchase money, to be sold at Pendleton court house, at public sale, to the highest bidder, for cash; and that the purchaser, on paying the purchase money to, and receiving a certificate thereof from, the said treasurer, shall be entitled to a grant for said tract of land, on producing said certificate to the secretary of State; *Provided nevertheless*, That if the said tract of land so exposed to sale should not sell for the full amount remaining unpaid upon the bond of the first purchaser so making default, in which [that] case it shall be the duty of the said treasurer to purchase the same for the use of the State.

How Cherokee lands are to be sold, when default is made in payment of purchase money to the state.

Place of sale.

II. Whereas, part of the lands purchased from the Cherokee Indians yet remain undisposed of: *Be it therefore enacted* by the authority aforesaid, That from and after the first day of February next, it shall and may be lawful for any person or persons to survey and obtain a grant or grants for any lands lying within the boundaries of the land lately purchased of the Cherokee Indians, which has not been heretofore disposed

Cherokee lands not sold may be taken up as vacant lands.

A. D. 1815.  of, on his or their complying with the requisites now prescribed by law for obtaining grants of vacant land, and shall obtain warrants therefor from the commissioner of locations for Pendleton district.

III. *And be it further enacted* by the authority aforesaid, That so much of the aforesaid Act as is repugnant to this Act, be, and the same is hereby repealed.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

ROBERT Y. HAYNE, *Speaker of the House of Representatives.*

No. 2206. AN ACT TO AUTHORIZE THE COMPTROLLER GENERAL TO FURNISH MOSES MATHEWS THE NECESSARY CERTIFICATES TO OBTAIN THE COMMISSION OF SHERIFF OF WILLIAMSBURGH DISTRICT, UPON HIS GIVING BOND AND SECURITY ACCORDING TO LAW.

Governor required to commission as sheriff, Moses Mathews.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That the comptroller general be, and he is hereby, required to give to Moses Mathews, sheriff of Williamsburgh district, the usual certificate for the purpose of obtaining his commission, in the same manner and in every respect as if the said Moses Mathews had been duly elected and qualified on the day on which he was appointed by the governor; and he the said Moses Mathews shall be entitled to hold the said office for four years from the time of his appointment, as the constitution of this State requires, he giving bond and security according to law; any law, usage or custom to the contrary notwithstanding.

Time of Sheriff's election in Williamsburgh

II. *And be it further enacted*, That the election for sheriff of Williamsburgh district shall hereafter take place at the same time as it would have taken place if the said Moses Mathews had been duly commissioned under his election by the people, but that the sheriffs hereafter to be elected shall not enter upon the rights and duties of their office, until the term of their predecessors shall have expired,

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

ROBERT Y. HAYNE, *Speaker of the House of Representatives.*

A. D. 1818.

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTEEN; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2207.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, and for the use and service thereof.

Tax to be raised.

II. *And be it further enacted* by the authority aforesaid, That thirty-seven and an half cents ad valorem on every hundred dollars, be paid in specie, paper medium, or in the notes of the incorporated banks of the State of South Carolina, on all lands granted within this State.

Thirty-seven and a half cents ad valorem on all lands.

III. *And be it further enacted* by the authority aforesaid, That seventy-five cents per head shall be levied on all slaves, of all ages and descriptions; and the sum of two dollars per head upon all free negroes, mulattoes, and mustizoes, (except such as shall be clearly proven to the collectors to be incapable, from maims or otherwise, of providing a livelihood,) between the ages of fifteen and fifty; and thirty seven and an half cents ad valorem on every hundred dollars of the value of all lots and lands and buildings within any city, town, village or borough; and seventy-five cents per hundred dollars, on all stock in trade, factorage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses, and mechanics excepted,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in paper medium, the notes of the banks of the State of South Carolina, or specie.

Tax on slaves, city lots and lands, faculties and professions

IV. *Be it further enacted* by the authority aforesaid, That any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, for the use of this state shall pay a triple tax on the same. But this clause shall not be construed to extend to any person sent, or hereafter to be sent, abroad in the employment of this State or of the United States, until one year after the expiration of his commission.

Absentees triple taxed.

V. *And be it further enacted* by the authority aforesaid, That all persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, and those that exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of five dollars per day, where they make their exhibitions; and the said sum of five dollars shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay over the same into the public treasury annually. And in case of the non-payment on demand, the clerks of the said courts, or any justice of the peace or quorum, are hereby authorized and required, forthwith to issue an execution, directed to the sheriff, or any constable of the said district, against the body or goods of the said person or persons so liable to pay the same: *Provided nevertheless*, That nothing in this clause contained shall be construed so as to affect any town or city now incorporated.

Tax on plays and shows.

VI. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, the tax collector of Horry district, and St. James, Goose Creek, be, and they are respectively, allowed at the rate of ten per cent on all sums paid into their hands for taxes; and the

Compensation to tax collectors.

A. D 1818.

tax collectors of Barnwell district, Chesterfield, Clarendon, Chester, Darlington, Greenville, Lexington, Lancaster, Lewisburgh, Laurens, Marlborough, Newberry, Orange, Pendleton, Spartanburgh, Salem, Union, York, Saint Andrews, All Saints, Christ Church, Saint George's Dorchester, Saint Johns Berkley, Saint James Santee, Marion, Saint Peters, Saint Pauls, Saint Stephens, Saint Thomas and Saint Dennis, Prince Williams and Williamsburgh, be, and they are hereby, respectively allowed seven per cent on all sums paid into their hands for taxes; and all other tax collectors shall receive the same per centage as heretofore.

Phoenix Insurance Company authorized to underwrite.

VII. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, the Phoenix Insurance Company shall be, and they are hereby, authorized and permitted to open and underwrite any policy or policies of insurance, of any kind or nature whatsoever, within the limits of this State, as fully and completely as they were permitted to do anterior to the Act for the year eighteen hundred and fourteen; *Provided*, the said company pay into the treasury of this State the sum of four thousand dollars.

Returns of stock to have reference to 1st of January.

VIII. *And be it further enacted* by the authority aforesaid, That all returns hereafter of stock in trade shall have relation to the first day of January in each year, and not to the first day of October, as heretofore.

Defaulting Tax collectors to be charged 15 per cent.

IX. *And be it further enacted* by the authority aforesaid, That if any tax collector within this State, shall neglect or refuse to make his return, and pay the taxes received by him, within the time prescribed by law, it shall be the duty of the treasurer, and he is hereby required, in addition to the coercive powers which he now possesses, to charge the said tax collector with interest at the rate of fifteen per cent, from the time he ought to have made such return and paid such taxes, to the time of such settlement.

Returns, when to be made.

X. *And be it further enacted* by the authority aforesaid, That the several collectors through the State except the collectors for the parishes of St. Philip's and St. Michael's, be required to make their return and settlement by the first Monday in June in every year.

Debts due to the State to be returned.

XI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurers of the upper and lower divisions, the attorney general, the solicitors, the commissioner of Columbia, and every other person having in his possession the evidence of any debt due to the State, on the first day of October in every year to furnish the comptroller general with a statement of all debts due to the State in their several possessions, shewing the names of the debtors, the amount of debts, the interest, the payments made, and the balance due to the State; from which statements, as well as any other information he can obtain, it shall be the duty of the comptroller general to make a general statement, shewing all monies due to the State, (except the old bonds given for confiscated property,) and lay the same before the legislature with his annual report; and should either of the officers above mentioned fail to furnish the comptroller general with the statement above required, he shall forfeit and pay the sum of two hundred dollars, to be recovered by action in any court of law in this State having competent jurisdiction.

Comptroller general not to draw special warrants.

XII. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, it shall not be the duty of the comptroller general to draw any special or general warrants upon the treasury for any monies which are by law directed to be paid out of the treasury, except the appropriation for internal improvements, or such other appropriations as the legislature may in future order to be paid under his direction.

XIII. *And be it further enacted* by the authority aforesaid, That the commissioners of free schools be, and they are hereby, authorized to draw on the treasurer of the division in which they may reside, for the monies appropriated for free schools, in the same manner as they are now authorized by law to draw on the comptroller general.

A. D. 1818.

Commissioners of free schools to draw on the treasurer.

XIV. *And be it further enacted* by the authority aforesaid, That the treasurer of each division be, and he is hereby, authorized to pay the salaries of the officers resident, in his division, the contingent accounts passed against his division, the jurors and constables certificates for attendance at courts within his division; and all other appropriations shall be paid by the treasurer of the upper division, unless directed by law to be paid by the treasurer of the lower division: and it shall be the duty of each of the said treasurers, whenever they make any payment, to take a duplicate receipt, and forward the same to the comptroller general, with their monthly report: *Provided nevertheless*, That so much of this clause as requires the accounts and claims to be paid in the respective divisions, shall not take effect until the expiration of the present comptroller's term of office.

Salaries, and appropriations where to be paid.

XV. *And be it further enacted* by the authority aforesaid, That the books necessary for the office of comptroller general, be paid for out of the treasury of the State.

Comptroller's books to be paid for by the state.

XVI. *Be it further enacted* by the authority aforesaid, That it shall be the duty of the clerks of the several courts in this State, to collect and receive all the fines inflicted, and all forfeitures incurred, in their respective courts, pay the same into the treasury of the division in which they respectively reside, by the first day of October in every year, and render an account thereof to the comptroller-general, as now required by law.

Clerks of courts to collect and pay over fines.

XVII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the commissioners of roads and poor in the several districts and parishes in this State, at their next general meeting, to elect some person as treasurer, who shall enter into bond with surities, to be approved by a majority of the commissioners of each district or parish payable to the State of South Carolina, in such penal sum as the said commissioners of the roads and poor shall deem sufficient, for the faithful discharge of the duties of his office; which bond shall be deposited in the treasury of the division in which the said treasurers may respectively reside; and it shall be the duty of the said treasurers to return to the clerks of the courts in which they respectively reside, an account of all monies due to the commissioners for whom they are treasurers, as well as an account of the receipts and expenditures, at the same time and in the same manner as the said commissioners are now by law required; and for neglect of this duty, shall be liable to the same pains and penalties to which the said commissioners are now by law liable; and the said treasurers shall, respectively, have and receive for their trouble, two and a half per cent. on all sums received, and two and a half per cent. on all sums paid away by them.

Commissioners of roads and poor to elect treasurers who shall account to clerks of courts.

XVIII. And whereas, John Sims, administrator of John Hampton, deceased, has not availed himself of the benefit of the thirteenth section of an Act entitled "An Act to raise supplies for the year one thousand eight hundred and sixteen, and for other purposes therein mentioned," passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen: And whereas, the said John Sims is still desirous of paying into the treasury of this State the amount of the judgment and execution mentioned in the said clause of the aforesaid Act, upon condition that the treasurer at Columbia be authorized to convey to

John Sims authorized to pay certain monies into the treasury, on certain conditions.

A. D. 1818.

John Bynum the said tract of land mentioned in the said Act, to be sold for the benefit of the heirs at law of the said John Hampton: *Be it therefore enacted* by the authority aforesaid, That the said John Sims be, and he is hereby, authorized to pay into the treasury of this State the amount due on the said judgment, and the interest which has and shall accrue thereon, within twelve months from the passing of this Act; and upon the payment of the said judgment and interest, the treasurer at Columbia be, and he is hereby, authorized and required to convey the said tracts of land to John Bynum, to be by him sold for the benefit of the heirs at law of the said John Hampton

XIX. *And be it further enacted* by the authority aforesaid, That the commissioner of the loan office be, and he is hereby, directed to annul and cancel the sale of the plantation or tract of land mortgaged by Hubbard Rees, to the paper medium loan office, in the year seventeen hundred and eighty-six, and purchased in for the State in the year eighteen hundred and thirteen: *Provided* the said Hubbard Rees, or his legal representatives, shall pay or cause to be paid into the treasury, the interest due on the sum secured by the mortgage, and twenty per cent. on the principal.

Surities of D.
Doyley further
indulged.

XX. *And be it further enacted* by the authority aforesaid, That a further indulgence of one year be granted to the surities of Daniel Doyley.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2208. **AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTEEN; AND FOR OTHER PURPOSES THEREIN MENTIONED.**

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority aforesaid, That the following sums be respectively appropriated for the salaries of the public officers, and other expenses and purposes of government.

For the salary of the Governor, three thousand five hundred dollars.
Appropriations For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of six Judges of the court of Common Pleas, each three thousand five hundred dollars.

For the salaries of two judges of the court of common pleas, each two thousand five hundred and seventy-two dollars.

For the salaries of five Judges of the Court of Equity, each three thousand five hundred dollars.

For the salary of the Attorney General, for giving advice to the Governor and other public officers, in matters of public concern, as a full compensation for the discharge of all public duties incident to the office of Attorney General, twelve hundred dollars.

For the salary of the Comptroller-general, and stationary included, as A. D. 1818.
a full compensation for his services, two thousand five hundred dollars.

For a clerk to the Comptroller-general, one thousand dollars; which clerk shall be appointed by and removeable at the pleasure of the Comptroller-general.

For the proper books to be kept in said office, three hundred dollars, if so much be necessary.

For the salaries of five Circuit Solicitors, in lieu of all charges against the State, for the performance of every public duty appertaining to their respective offices, each seven hundred dollars.

For the salary of the Treasurer in Charleston, for transacting the business of the loan office, and clerks, two thousand six hundred and fifty-eight dollars.

For the salary of the Treasurer in Columbia, including clerks, two thousand dollars.

For the salaries of the Clerks of the Senate and House of Representatives, each twelve hundred and thirty dollars, to be paid at the adjournment of the Legislature.

As a contingent fund, subject to the draft of the Governor, for the expenditure of which he shall submit an annual account to the Legislature, six thousand dollars.

For procuring a map of the State, nine thousand dollars, if so much be necessary.

As a compensation for the Clerk of the Court of Columbia, for his services in attending the Constitutional Court, one hundred dollars.

As compensation to the Commissioner in Equity, for his attendance in the Court of Appeals in Columbia, one hundred dollars.

As compensation to the Clerk in Charleston, one hundred and forty dollars.

As compensation to the Sheriff of Richland district, for attending the Constitutional Court and Court of Equity at Columbia, one hundred dollars.

As compensation for the Sheriff of Charleston district, for attending the Constitutional Court and Court of Appeals in Charleston, one hundred and fifty dollars.

As compensation to the keeper of the State House in Columbia, one hundred and thirty dollars.

For the Adjutant and Inspector General, two thousand dollars.

For the salary of the Port Physician of Charleston, for boat hire and all other expenses incident to his office, one thousand dollars.

As compensation to the Arsenal keeper in Charleston, six hundred dollars.

As compensation to the Arsenal keeper and powder receiver in Camden, three hundred dollars.

For the arsenal keeper at Abbeville, one hundred and fifty dollars. And for the arsenal keepers and powder receivers for Georgetown and Beaufort, each two hundred and fifty dollars.

For the contract with the State Printers, a sum not exceeding two thousand dollars, if so much be necessary.

As compensation to the Pilot of the bar and harbour of Georgetown and Beaufort, each three hundred and twenty dollars.

For Annuities, nine thousand dollars, if so much be necessary.

For the Transient Poor, payable to the City Council of Charleston, four thousand two hundred and eighty dollars.

For the City Council of Charleston, to enable them to execute the quarantine laws, one thousand dollars.

A. D. 1818.

For the expenses of the Members of the Legislature at the present session, and pay to the Solicitors for their attendance, seventeen thousand dollars; if so much be necessary.

As compensation to two Doorkeepers of the Legislature, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature.

As compensation to two Messengers, each two hundred and fifty dollars; to be paid at the adjournment of the legislature.

For the rent of the Governor's house in Columbia, two hundred and fifty dollars.

For the discharge of the contingent expenses of the lower division, a sum not exceeding six thousand dollars.

For the discharge of the contingent expenses of the upper division of this State, a sum not exceeding fifteen thousand dollars, if so much be necessary; and for the contingent expenses of the last year, unpaid in consequence of a deficiency in the appropriation for the contingent expenses of the upper division, seven thousand dollars.

For aid in supporting the transient poor in Georgetown, the sum of five hundred dollars, to be paid to the commissioners of the poor of Prince George, Winyaw, to be laid out and expended by them for the use of the transient poor; the said commissioners to publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sum laid out for each, as may have been relieved by this fund; an account on oath to be returned to the comptroller, and by him submitted to the legislature.

For the salary of two tutors of the South Carolina College, each one thousand dollars.

For the salary of a Professor of Chemistry in the South Carolina College, two thousand dollars.

For the pay of the magazine guard, to consist of an officer, sergeant, and twelve men, to be paid by and under the direction of the comptroller-general, four thousand dollars.

For commons and other incidental expenses for three boys in College from the Orphan House, for the ensuing year, to be placed in the hands of William Edward Hayne, for their use, four hundred dollars.

For the guard in Camden, to consist of a subaltern and ten men, two thousand dollars.

Appropriation
to professors.

II. *And be it further enacted* by the authority aforesaid, That the sum of two thousand dollars each, be, and the same is hereby, appropriated as the salaries of the professors of logic and moral philosophy, of languages and mathematics, in the South Carolina College.

For the assessors of the parishes of St. Philip and St. Michael, five hundred dollars.

Poor in Beau-
fort.

For aid in support of the transient poor in Beaufort, five hundred dollars, to be paid to the Town Council of Beaufort, who shall make an annual return on oath, to the comptroller-general, which by him shall be submitted to the legislature, containing the names and numbers of those relieved, and the sums appropriated for the benefit of each individual.

Returns to be
made to the
treasurers.

III. *And be it further enacted* by the authority aforesaid, That the different tax collectors throughout the State shall be hereafter required to leave with the treasurer of the division to which they shall be attached, such returns as are now required by law to be left with the comptroller-general.

Treasurers to
pay by checks
on bank.

IV. *And be it further enacted* by the authority aforesaid, That all payments hereafter to be made by the treasurers of the upper division and lower division of this State, shall be by drafts or checks upon the Bank of the State of South Carolina, or its branches, and in no other way.

V. *And be it further enacted* by the authority aforesaid, That no payment of money shall be made by any public officer in this State, or either of the treasurers, in any other manner than by a check or draft upon the Bank of the State of South Carolina, or its branches which may be nearest to the treasury, so as to make it indispensably necessary for such public officer to deposit his money in such bank or its branches, previous to his making such payment.

A. D. 1818.

All public officers to pay by a check on the bank.

VI. *And be it further enacted* by the authority aforesaid, That the commissioners of free schools shall be authorized to draw for the unexpended balance of appropriations heretofore made for the schools in the several districts.

Commissioners of free schools to draw for unexpended balance.

For the salary of the Librarian of the South Carolina College, four hundred dollars.

For the Librarian of the Legislature, one hundred dollars.

VII. *And be it further enacted* by the authority aforesaid, That thirty-seven thousand dollars be appropriated for the support of free schools.

VIII. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, directed to issue his warrant on the treasury in favor of William Edward Hayne, late treasurer of the upper division, for the sum of four hundred dollars, the balance due him for his salary in the year eighteen hundred and twelve.

IX. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, required to suspend, until the next meeting of the Legislature, all legal proceedings against Thomas Williams, late tax collector of Williamsburgh district; and also against the surties of Daniel Doyley, former treasurer of the lower division.

Proceedings against Thos. Williams and the surties of D. Doyley—

X. *And be it further enacted* by the authority aforesaid, That all proceedings against Benjamin Harrison, as purchaser of lots of land in the town of Columbia, be, and they are hereby, suspended for two years.

Also against B. Harrison, suspended.

XI. *And be it further enacted* by the authority aforesaid, That Samuel Warren, executor of Samuel Dupree, (who was indebted to James Pudrian, a natural child, and who has left no representatives,) be, and he is hereby, authorized and required to pay the sums due by the said Samuel Dupree, to the said James Pudrian, and all other sums of money which he the said Samuel Warren may have collected as of the estate of the said James, to John Miller, of Pendleton district, who has lately intermarried with Lydia Pudrian, the natural sister of the said James Pudrian.

S. Warren authorized to pay over certain monies.

For Benjamin H. Saxon, as a fee, for conducting an action in the court of common pleas for Pendleton district, to try titles to a tract of land in the purchase lately made from the Cherokee Indians, in which Sally Nicholson is defendant, one hundred dollars.

For George M'Duffie, as a fee for conducting a suit in the court of equity, for Edgfield district, on the part of the State, against commissioners of certain ware-houses, one hundred dollars.

For Patrick Noble, and the other heirs of Alexander Noble, as a remuneration for the land purchased from the State, and of which they have been divested in a due course of law, two hundred and thirty-three dollars and twenty cents, as agreed to by the Legislature at its last session, but omitted in the appropriation Act.

For William Mabin, constable of Greenville district, for serving warrants, and so forth, fourteen dollars and nine cents, agreed to, but by mistake ordered to be paid to William Martin, by the appropriation Act of eighteen hundred and sixteen.

For public buildings, as agreed to by both branches of the Legislature

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at the present session, fifty-seven thousand one hundred dollars, if so much be necessary.

For claims agreed to by both branches of the Legislature at the present session, nine thousand dollars, if so much be necessary.

For pensions, as agreed to by the Legislature at different times, nine thousand dollars, if so much be necessary.

For internal improvement, subject to the draft of the Civil and Military Engineer, two hundred and fifty thousand dollars.

In payment of fourteen boxes for the original wills in the secretary's office, contracted for by the committee under the resolution of the 18th December, 1817, one hundred and seventy dollars, if so much be necessary.

For the President of the College, three thousand dollars.

XII. *And be it enacted* by the authority aforesaid, That the sum of five hundred dollars be, and the same is hereby, appropriated to John J. Cumbaa, for work rendered in opening a part of the south prong of Edisto river.

Civil and Military Engineer authorized to make internal improvements.

XIII. *And be it further enacted* by the authority aforesaid, That the Civil and Military Engineer shall have power to cut such canals, and open such roads on each side of the river or rivers, which he has been directed by the Legislature to render navigable, as he may deem necessary for the use of the navigation aforesaid, or to facilitate the works which he is instructed to carry on, and to purchase for the State, forever, all such lands as may be necessary: And whenever he and the owner or owners of said land cannot agree for the same, to take the said land on a valuation, to be made by a majority of five persons, to be appointed by the court of chancery or common pleas to value the same, who shall, before they enter on the duties of their appointment, severally take and subscribe an oath or affirmation before some person authorized to administer an oath, faithfully and impartially to perform the trust and duties required of them, which oath or affirmation shall be filed with the comptroller-general; and it shall be the duty of the said appraisers, or a majority of them, to make a just and equitable estimate and appraisal of the loss and damage, if any, over and above the benefit and advantage to the respective owners or proprietors, or parties interested in the premises so required for the purposes aforesaid, by and in consequence of making and constructing the canals and roads aforesaid; and the said appraisers, or a majority of them, shall make regular entries of their determination and appraisal, with an apt and sufficient description of the several premises appropriated for the purposes aforesaid, in a book or books to be provided and kept by the Civil and Military Engineer, and sign their names to such entries and appraisals, and in like manner certify their determination as to those several premises which will suffer no damages, or will be benefitted more than injured by or in consequence of the works aforesaid; and the Civil and Military Engineer shall pay the damages so to be assessed and appraised, and the fee simple of the lands so appropriated shall be vested in the State forever: And the Civil and Military Engineer shall have power and authority to use any materials in the vicinity of the works which he is directed to carry on in behalf of the State, and collect and reserve water for the use of the said works, paying a reasonable price for the same, which price shall be ascertained in like manner as the value of the lands which the Civil and Military Engineer may take as aforesaid, when he and the owners cannot agree about the price thereof.

XIV. *And be it further enacted* by the authority aforesaid, That the Civil and Military Engineer be, and he is hereby, authorized and empowered to employ such agents and assistants as he shall deem necessary and expedient. A.D. 1818.
Engineer may employ agents and assistants,

XV. *And be it further enacted* by the authority aforesaid, That the engineer of the State be, and he is hereby, authorized and directed to remove the traverse at the head of Pinckney-street, and to have repaired the lines near Charleston, and for that purpose he is hereby authorized to draw on the treasurer of the lower division for a sum not exceeding five hundred dollars. Is to remove the traverse at the head of Pinckney-st.

To Richard B. Gallivant, witness in the case of the State against John Hughes, for horse stealing, twelve dollars.

XVI. Whereas, the Senate and House of Representatives, by their resolution, passed the tenth of December last, placed on the pension list Drura Harris, at sixty dollars per annum, and also, by said resolution, allowed him five pounds sterling for five years, as arrears of pension: And whereas, in the Act making appropriations for last year, the appropriation made in conformity to said resolution was made by mistake to David Harris, instead of Drura Harris: *Be it therefore enacted* by the authority aforesaid, That the sum of one hundred and seven dollars and fifty cents, and also the sum of sixty dollars, (if the same hath not already been paid,) for the pension of the last year, be paid to the said Drura Harris.

For Robert Bradford, sheriff of Sumter district, for summoning jurors for an extra court in said district, sixty-four dollars.

For Colonel William H. Capers, for a balance due him for rifles used in the late war, three hundred and seventy-five dollars.

For Amos Davis, to refund him a double tax, thirty-three dollars and twenty-three cents.

For Thomas Wise, for a mare pressed from him by the State during the revolutionary war, one hundred and thirty-nine dollars and ninety cents.

For preparing desks and tables for the solicitors, and repairing the book case in the Senate chamber, seventy-five dollars, if so much be necessary.

XVII. *And be it further enacted* by the authority aforesaid, That the sum of six thousand three hundred and forty-eight dollars be, and the same is hereby, appropriated for the payment of the persons appointed to take the census of the free white inhabitants of the State.

For a clock in the Senate chamber, four hundred dollars, if so much be necessary.

For Colonel Thomas Farrar, the amount of his commutation, and the interest thereon, as an officer of the revolutionary war, three thousand four hundred and seventeen dollars thirty-one cents.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

A. D. 1818.

No. 2209. AN ACT TO AUTHORIZE THE PRESIDENT AND DIRECTORS OF THE BANK OF THE STATE OF SOUTH CAROLINA TO ESTABLISH A BRANCH OF THE SAID BANK AT CAMDEN.

I. Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the President and Directors of the Bank of the State of South Carolina shall, whenever they may deem it expedient, establish a branch of the said bank at Camden, with like powers and authority, and in like manner, as the branch now established at Columbia.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-third year of the Independence of the United States of America.

JAMES R. PRINGLE, *President of the Senate.*

ROBERT Y. HAYNE, *Speaker of the House of Representatives.*

No. 2210. AN ACT PRESCRIBING THE MODE OF QUALIFYING JUSTICES OF THE QUORUM AND JUSTICES OF THE PEACE, IN THE SEVERAL DISTRICTS IN THIS STATE.

I. Be it enacted, That from and after the passing of this Act, all justices of the quorum and justices of the peace, who shall hereafter be appointed, shall take the several oaths of office required by the constitution and laws of this State, before the clerk of the court of sessions and common pleas, for the district in which such justice shall be appointed, within ninety days after such appointment, and not after.

II. And be it further enacted, That from and after the passing of this Act, all justices of the quorum and peace, now in commission, who have not qualified before the Governor, shall, within ninety days after the passing of this Act, qualify before the clerks aforesaid, and not after.

III. And be it further enacted, That each and every of the clerks aforesaid, shall, on or before the first day of November, in each and every year, record in his office a true list of the justices who shall have so qualified before him, and shall, within the said time, transmit a true copy thereof to the office of the Secretary of State, who shall make a record thereof.

IV. And be it further enacted, That all Acts and parts of Acts repugnant to this Act, be, and the same are hereby, repealed.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and nineteen, and in the forty-fourth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

A. D. 1819.

No. 2211.

AN ACT TO APPORTION THE REPRESENTATION OF THIS STATE.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That each and every of the several election districts throughout this State, shall, at the next and all future elections, until a new apportionment of the representation be made by a future Legislature, respectively elect the following number of representatives, to wit:—Charleston, including St. Philip's and St. Michael's, sixteen representatives—St. Andrew's, one representative—St. John's Colleton, two representatives—St. Peter's, two representatives—Prince Williams, two representatives—St. Stephen's, one representative—Prince George Winyaw, three representatives—Liberty, or Marion, two representatives—All Saints, one representative—St. James Santee, one representative—St. James Goose-creek, one representative—St. John's Berkley, two representatives—St. Paul's, two representatives—St. George Dorchester, one representative—Williamsburgh, two representatives—St. Bartholomew's, four representatives—Kingston, or Horry, one representative—St. Thomas and St. Dennis, one representative—St. Helena, two representatives—Christ Church, one representative—St. Luke, two representatives—Abbeville, six representatives—Barnwell, three representatives—Chester, three representatives—Claremont, three representatives—Clarendon, two representatives—Darlington, three representatives—Edgefield, six representatives—Chesterfield, two representatives—Fairfield, four representatives—Greenville, three representatives—Kershaw, three representatives—Lexington, two representatives—Lancaster, two representatives—St. Mathew's, one representative—Laurens, four representatives—Marlborough, two representatives—Newberry, four representatives—Orange, two representatives—Pendleton, six representatives—Richland, three representatives—Spartanburgh, four representatives—Union, three representatives—and York, three representatives.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and nineteen, and in the forty-fourth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT to establish Courts of Equity in and for the Districts of Pendleton, Spartanburgh, York, Chester, Fairfield, Colleton and Barnwell; and for other purposes therein mentioned. No. 2212.

(Passed December 18, 1819. *See last volume.*)

AN ACT to alter and amend an Act to incorporate the Charleston Fire and Marine Insurance Company, passed in the year of our Lord 1818. No. 2213.

(Passed December 14, 1819. *See last volume.*)

A. D. 1819.

No. 2214. AN ACT to alter and amend an Act entitled "An Act to alter and amend so much of the second clause of the Charter incorporating the City of Charleston, as relates to the qualification of voters for Intendant and Wardens, and for other purposes therein mentioned," passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and seventeen.

(Passed December 18, 1819. See last volume.)

No. 2215. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REPEAL AN ACT OF THE GENERAL ASSEMBLY OF THIS STATE, ENTITLED AN ACT FOR THE BETTER REGULATING THE STREETS AND MARKETS OF THE TOWN OF COLUMBIA, AND TO INCORPORATE THE SAID TOWN."

Preamble. WHEREAS, it is expedient and necessary to extend and increase the powers of the intendant and wardens of the said town of Columbia.

I. *Be it therefore enacted* by the honorable the Senate and house of Representatives, now met and sitting in general assembly, and by the authority of the same, That from and immediately after the passing of this Act, the said intendant and wardens, being assembled in town council, be, and they are hereby, authorized and empowered to lay, assess and collect a tax on all the real property in the said town, sufficient to discharge and defray all the expenses of carrying into effect the rules, regulations and by-laws of the said town, made in conformity to and in pursuance of the said enacted Act of incorporation: *Provided* such tax does not exceed fifty cents for every hundred dollars worth of property assessed according to the said Act; and which said tax shall be collected as the said wardens shall from time to time direct and appoint.

II. *And be it further enacted* by the authority aforesaid, That so much of the said Act as restrains the said intendant and wardens from imposing any higher or greater fine or fines by their by-laws than twelve dollars, be, and the same is hereby, repealed; and that in future they be, and are hereby, authorized and empowered to impose, by any by-law to be by them ordained, any fine or fines for the violation of any such rules, regulations or by-laws, as they may think for the benefit and good government of the said town: *Provided* no such fine shall in any case exceed the sum of fifty dollars, to be recovered in the same manner as fines and forfeitures are now recovered for the infraction of any of the ordinances of the said town.

III. *And be it further enacted*, That the said intendant and wardens shall have power hereafter to prevent, and, on any penalties by them to be fixed by their by-laws, to prohibit the building and working of any black-smith shop on the main street, or in any public part of the said town.

IV. *And be it further enacted* by the authority aforesaid, That the said intendant and wardens shall have a right to demand, have and take for every licence to retail spirituous liquors for any quantity above one quart, the sum of twenty-five dollars; for every licence to retail spirituous liquors for any quantity, the sum of fifty dollars; for every licence for

Intendant and Wardens to lay a tax on real property, not to exceed 50 cents for every \$100.

May fine as high as \$50.

May prohibit black-smith shop in public part.

Licences to retail.

keeping tavern and retailing spirituous liquors, the sum of fifty dollars; to be paid by every person applying for such licence, before the same shall be issued. A. D. 1819.

V. *And be it further enacted* by the authority aforesaid, That when any fine imposed by the said intendant and wardens by virtue of this Act, shall exceed twenty dollars, the same may be recovered in the circuit court of Richland district; and when such fines shall be under twenty dollars, they may be recovered before the said intendant and wardens, or any three of them; all which fines, when recovered, shall be applied to the use of the said town. Fines how recovered.

VI. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed and taken as a public Act, and notice thereof shall be taken in all the courts of justice and elsewhere in this State, and shall be given in evidence on the trial of any issue or cause, without special pleading. Public Act.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and nineteen, and in the forty-fourth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT to establish certain Roads, Bridges and Ferries. No. 2216.

(Passed December 18, 1819. *See last volume.*)

AN ACT to incorporate the several Societies therein mentioned. No. 2217.

(Passed December 18, 1819. *See last volume.*)

AN ACT TO VEST IN JONATHAN M'SWAIN, AND HEIRS, FOREVER, THE No. 2218.
 FEE SIMPLE OF A CERTAIN TRACT OF LAND, OF WHICH WILLIAM
 SPLEEN, LATE OF YORK DISTRICT, DIED SEIZED AND POSSESSED.

WHEREAS, Jonathan M'Swain, by his petition to the Legislature, hath set forth in his petition, that William Spleen died seized and possessed, in fee simple, of a certain tract of land, situate in York district, leaving, at the time of his death, neither wife, child or other relation within the United States, who can inherit the same: And whereas, the said Jonathan M'Swain has also set forth in his said petition, that the said William Spleen, prior to his death, contracted to convey to him the said tract of land, in consideration of certain services which he had rendered Preamble.

A. D. 1819.

A tract of land
vested in J.
M'Swain.

to and performed for the said William Spleen during his life, and that the said William Spleen departed this life without executing said conveyance agreeably to his contract: All which allegations being satisfactorily established by the said Jonathan M'Swain:

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the fee simple of the said tract of land of which the said William Spleen died seized and possessed as aforesaid, situate in York district, on Dry creek, a branch of Broad river, joining lands of George Plexico, Robert Shields, William Smith and John Lockhart, and containing, by estimation, one hundred and twenty-four acres, be, and the same is hereby, vested in the said Jonathan M'Swain, his heirs and assigns, for ever.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and nineteen, and in the forty-fourth year of the Independence of the United States of American.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2219. AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT LIMITING THE TERM OF SERVICE OF CERTAIN OFFICERS, WHO HAVE HERETOFORE HELD THEIR OFFICES DURING GOOD BEHAVIOUR," AND FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, by an Act passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and twelve, it is enacted that the attorney-general, solicitors, tax collectors, ordinaries, clerks of the courts of sessions and common pleas, registers, masters and commissioners in equity, commissioners of location and registers of mesne conveyance, shall be severally elected for the term of four years, and shall hold their respective offices for the term of four years, and until another shall be elected: And whereas, by the operation of the said Act, there may be a failure in the discharge of the offices aforesaid, inasmuch as no provision is made to fill such offices in the interval between the election of a successor and his entering upon the duties of office: For remedy whereof,

Certain officers
to hold, until
their succe-
ssors are
appointed.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the attorney-general, solicitors, tax collectors, ordinaries, clerks, registers, masters and commissioners in equity, commissioners of locations and registers of mesne conveyances, now in office, or hereafter to be elected in this State, shall hold their respective offices during the term of four years, and also until a successor in office shall have been elected and shall be commissioned and enter upon the duties of his office.

Commissioner
of locations.

II. *And be it further enacted* by the authority aforesaid, That the clerk of the court of Fairfield district (in whose office the books of the

commissioner of locations for the district of Camden are deposited,) shall be, and is hereby declared, the commissioner of locations for Fairfield district ex-officio. A. D. 1819.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and nineteen, and in the forty-fourth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT to provide for the more effectual performance of Patrol Duty. No. 2220.

(Passed December 18, 1819. *See last volume.*)

AN ACT TO AUTHORIZE WILLIAM SMITH TO STOP OR CHANGE THE No. 2221.
COURSE OF A CERTAIN NAVIGABLE CREEK.

WHEREAS, the commissioners appointed by a joint resolution of both houses of the General Assembly, on the fifth day of December, in the year of our Lord one thousand eight hundred and seventeen, to ascertain whether a certain canal, proposed to be cut by William Smith, could be effected without injuring the property of others, have, by their report, represented that the proposed canal will not be injurious to the property of others: Preamble.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That the said William Smith be, and he is hereby, authorized and empowered to cut a canal, sufficient to admit vessels of six feet draught, which said canal is hereby required to be twenty feet wide at the top, and ten feet at the bottom, with a margin of twenty feet on each side, and to extend from the points marked C and D on the map of the said commissioners, to the points marked E and F on the same map, without any piling or obstruction within the above mentioned space of twenty feet on each side thereof. Wm. Smith allowed to cut a canal.

II. *And be it further enacted* by the authority aforesaid, That from and after the commissioners hereinafter appointed shall have certified that the aforesaid canal is fit for use, the said William Smith shall be authorized and empowered, at his own expense, to stop the creek to the south of the said canal; or if in the opinion of the said commissioners it may be expedient that the said William Smith should have leave to stop the said creek before the proposed canal shall have been completed, in that case the said William Smith shall be authorized so to do: *Provided*, That persons otherwise navigating the said creek shall be allowed and permitted the use of the wharf of the said William Smith, in the mean time between stopping said creek and opening said canal, free of expense. Creek may be stopped.

III. *And be it further enacted* by the authority aforesaid, That the said William Smith shall, at his own expense, keep open the proposed canal for the space of seven years next after the same shall have been completed, and declared by the commissioners hereinafter named, fit for use. Canal to be kept open 7 years.

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A.D. 1819. IV. *And be it further enacted* by the authority aforesaid, That the following persons, viz. Christopher Fitzsimons, Jonathan Lucas and John Commissioners Johnson, junior, be, and the same are hereby appointed, commissioners on the part of the State, to superintend and carry into effect the provisions of this Act.

In the Senate House, on the fourteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-fourth year of the Sovereignty and Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2222 AN ACT to lengthen the term of the sittings of the Courts of Common Pleas and General Sessions for the judicial district of Horry; and for other purposes therein mentioned.

(Passed December 14, 1819. *See last volume.*)

No. 2223, AN ACT TO REQUIRE THE SHERIFFS OF KERSHAW DISTRICT, HEREAFTER TO BE ELECTED, TO GIVE BOND AND SECURITY IN THE SUM OF TWELVE THOUSAND DOLLARS, FOR THE DUE AND FAITHFUL DISCHARGE OF THE DUTIES OF THEIR OFFICE.

Preamble. WHEREAS, the security now required by law to be given by the sheriff of Kershaw district, for the due and faithful discharge of the duties of his office, is deemed insufficient: For remedy whereof.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That the persons who shall hereafter be elected to the office of sheriff of Kershaw district, or be appointed thereto by the governor during the recess of the legislature, shall, instead of the sum now required by law, give bond and security in the sum of twelve thousand dollars, for the due and faithful discharge of the duties of his office.

II. *And be it enacted* by the authority aforesaid, That all Acts and parts of Acts repugnant to this Act be, and the same is hereby, repealed.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and nineteen, and in the forty-fourth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2224 AN ACT TO PROVIDE FOR THE BETTER REGULATION OF THE STREETS IN THE TOWN OF BEAUFORT.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, That from Streets to be worked on.

and after the passing of this Act, the town council of Beaufort shall be, and are hereby, authorized and empowered to summon and compel such negro slaves, within the age of fifteen and fifty, as usually reside during the fall months in said town, to work upon the streets, when and so often as to them may seem fit, during the time that such slaves may be actually commorant or dwelling within said town: *Provided*, That the slaves who may be summoned or compelled to work upon the streets of Beaufort, shall not be compelled to work upon the roads in the country: *And provided also*, That no slave shall be compelled to work upon the streets of Beaufort more than twelve days in one year.

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II. *And be it further enacted* by the authority aforesaid, That the town council of Beaufort be, and they are hereby, authorized to fill up ponds, drains and pools of standing water within the limits of the town, and to assess the inhabitants of the town with the expenses of such works, in proportion to the benefit respectively received: *Provided* said assessment shall not exceed five per cent, ad valorem, upon the value of houses and lots.

Council to fill up ponds, &c.

In the Senate House, on the eighteenth day of December, in the year of our Lord one thousand eight hundred and nineteen, and in the forty-fourth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT to incorporate John L. Sullivan and others, by the name No. 2225.
and style of the South Carolina Steam Navigation Company.

(Passed December 18, 1819. See last volume.)

AN ACT TO APPOINT COMMISSIONERS TO ASSESS THE VALUE OF A LOT OR LOTS, IN THE VILLAGE OF WALTERBOROUGH, FOR THE SITE OF A COURT HOUSE AND GAOL. No. 2226.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John C. Logan, Thomas Boone, Richard Bryant, John Rice and Henry Ulmer, be, and they are hereby appointed, commissioners, with full power and authority to fix on and select a proper site in or near the village of Walterborough, for a court house and gaol, to be erected thereon, according to the provisions of an Act passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and seventeen, entitled "An Act to change the place for holding the courts for Colleton district, and for building a court house and gaol at Walterborough."

Commissioners appointed.

II. *And be it further enacted*, That the said commissioners shall have full power and authority to ascertain and assess the value of the land Their powers.

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Remuneration
to owner.

which may be requisite for the purposes aforesaid, which said assessment shall be binding on all parties claiming to be entitled to said land.

III. *And be it also enacted*, That the sum which shall or may be fixed by the commissioners aforesaid as the true value of the said land, shall be paid to such person or persons as may have title in the soil resumed by the State for the purposes aforesaid, according to their several and respective rights: *Provided*, That the party claiming to be remunerated for the resumption of the State in the soil aforesaid, shall produce the opinion in writing of the attorney-general to show their title.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and nineteen, and in the forty-fourth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate*.

PATRICK NOBLE, *Speaker of the House of Representatives*.

No. 2226.

AN ACT TO ESTABLISH A BOARD OF PUBLIC WORKS.

Preamble.

WHEREAS, it is expedient to establish a board of public works, in order to carry into effect the internal improvements contemplated by the legislature, to collect such facts and information as may be necessary to an enlightened decision, and to promote the internal improvements of the State.

Five commis-
sioners to be
chosen.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That five commissioners shall be chosen by joint ballot of both houses of the legislature, whose duty it shall be to consider, devise and adopt such measures as may or shall be requisite to facilitate and effect the improvements which shall be authorized by the legislature.

President and
secretary to be
chosen, and
meetings to be
called.

II. *And be it further enacted* by the authority aforesaid, That the commissioners shall choose one of their number to be president of their board, and shall appoint a fit person to be their secretary, who shall be allowed and paid such salary as the said commissioners shall deem proper and reasonable; and the president of the said board of commissioners shall have power to call a meeting of the same, whenever in his opinion the public interest shall require it, or whenever he shall be called upon so to do by either of the commissioners—and the said board may adjourn from time to time, to meet at any time and place they may deem most conducive to the public good, and shall receive such travelling expenses, and such allowances per diem, while employed in the actual service of the State, as now are, or from time to time hereafter may be, allowed to members of the legislature; and they are hereby authorized and empowered, on behalf of this State, and on the credit of the fund pledged for internal improvement, to commence the works contemplated by this Act, in such manner as shall by them be deemed most expedient; to receive from time to time from the president and directors of the Bank of the State of South Carolina, such monies as may be appropriated for the objects hereby contemplated; *provided*, that such monies shall not at any one time exceed ten thousand dollars; to cause the same to be expended in the most prudent and economical manner in all such works; and on completing any part or parts of the works contemplated by this Act, to establish reasonable tolls, sufficient to defray the expenses of keeping

Powers.

the said works in good repair; and to dispose of, on reasonable leases, the mill-seats on the several canals that may be constructed in pursuance of this Act; and adopt necessary measures for the collection and payment of the profits arising from said tolls and mill-seats into the Bank of the State of South Carolina; that a majority of the said commissioners shall be a board for the transaction of business, and in the absence of the president shall choose a president pro tempore; and the said commissioners shall take an oath, well and faithfully to execute the duties of their office; and shall report to the legislature, at each session thereof, the state of said works and expenditures, and recommend such measures as they may think advisable for the accomplishment of the objects intended by this Act; and in case of any vacancy in the office of commissioners during the recess of the legislature, the remaining commissioners shall have power to appoint a person to fill such vacancy until the legislature shall act in the premises; and the said board shall be a body corporate and politic in law, and be known by the name and title of the Board of Public Works, and shall have perpetual succession, and a common seal, and shall be capable of suing and being sued, impleading and being impleaded, in any court of law or equity in this State.

A. D. 1819.

To be called
the board of
public works.

III. *And be it further enacted* by the authority aforesaid, That the commissioners aforesaid shall have power and authority to appoint two commissioners of their own number to be acting commissioners, who shall discharge such duties as may be assigned them by the board, and receive as a compensation for their services a sum not exceeding six thousand dollars per annum, to be distributed among them in such proportions as the said board may agree upon; but shall not receive the travelling expenses and allowance per diem, provided for the said board by a preceding clause; and the said board shall also employ surveyors, or such other assistants as may be necessary, each of whom shall receive for his services such compensation as the commissioners shall allow.

Acting com-
missioners to
be appointed,
and to receive
\$6000.

Surveyors.

IV. *And be it further enacted* by the authority aforesaid, That the Board of Public Works shall superintend the construction and erection of all works, civil and military, which may be executed by the orders and at the expense of the State; the said board of public works shall make all contracts for the same, point the place and manner where such works are to be constructed, and the materials of which they are to be made; determine and fix the size and situation of canals, locks, bridges and roads, in all cases where these points shall not have been fixed by law; and see that all public works, whether performed by contract or by the employment of laborers or mechanics on account of the State, be faithfully and punctually executed.

Duty of the
board of public
works.

V. *And be it further enacted* by the authority aforesaid, That whenever any public work, or part or portion of any public work, so contracted for on the authority of the State, shall be completed, it shall be the duty of the board of public works to ascertain whether the said contract has been faithfully performed; and if it shall appear that such contract has been faithfully performed, the board shall authorize their secretary to certify the same, and the certificate of the secretary, countersigned by the president, that such work has been approved of by the board, shall be a warrant to the comptroller to pay, out of the money appropriated by the State for such public work, the amount of such contract.

Work done to
be examined,
and approved
by Board.

VI. And whereas, it may be sometimes highly advantageous, or even necessary for the service of the State, that money may from time to time be advanced to the persons undertaking or contracting to perform the different works ordered by the legislature: *Be it therefore enacted* by

Advances of
money may be
made.

A. D. 1819.

the authority aforesaid, That the board of public works be, and they are hereby, authorized to make such advances as may to them appear necessary and reasonable, out of the sums appropriated for such public works; *provided*, such sum shall not exceed at any one time five thousand dollars; *and provided also*, that such advances of money shall not be made, until the party about to receive the same shall enter into bond with sufficient surety, in double the amount to be advanced, conditioned to indemnify the State against the failure of such party fully to account for the same.

Contingent
fund provided.

VII. And whereas, there must be many incidental expenses in the performance of public works, which it is difficult to define and distinctly provide for: *Be it therefore enacted* by the authority aforesaid, That the board of public works shall be, and they are hereby, authorized to draw out of the treasury of this State a sum which shall at no time exceed the amount of five thousand dollars, above the sums for which they may have accounted; and the board shall keep exact and regular accounts of the money so drawn, and shall account for the same as often as once in every quarter, if the same shall be practicable, to the comptroller, and the comptroller shall report these accounts annually to the legislature: *Provided always*, That the sums so drawn shall be considered as part of the appropriation made by the State for the particular objects to which such sum or sums may be applied.

Lands may be
purchased for
the state.

VIII. *And be it further enacted* by the authority aforesaid, That the said board shall have power to purchase for the State, in fee simple, such lands as may be necessary for the purposes contemplated by this Act; and when they and the owners of the soil cannot agree, to take the same at a fair price, by the appraisement of five persons, or a majority of them, to be appointed by the court of equity or common pleas to value the same; and such appraisers, before they proceed to execute the duties assigned them, shall severally take and subscribe an oath or affirmation, faithfully and impartially to discharge the trust or duties assigned them—which oath shall be filed by the secretary of the board of public works, in his office; and it shall be the duty of such appraisers, or a majority of them, to make a fair estimate of the loss and damage, if any, over and above the benefit and advantage accruing to the party concerned, by the making and constructing of the works intended; and the said appraisers, or a majority of them, shall make a regular entry of their proceedings in each particular case, in a book or books to be kept by the board for such purposes—which entry shall contain an apt and sufficient delineation and description of the premises to be appropriated to public use, the value thereof, and the loss, if any, to the owner of the soil, by the detraction or taking away of the part appropriated to public use, and the construction of the works intended—to all of which the said appraisers shall sign their names; and the commissioners shall pay the sum which shall be assessed to the owner of the soil, and the fee simple of the premises so appropriated to public use shall be vested in the State; and the board shall in like manner have power and authority to take, for the use of works intended, any materials in the vicinity thereof; to take and collect water for the like purposes, and, if need be, to girdle or destroy trees standing or growing near any navigable waters, and injurious to the navigation and free passage thereof, paying in all cases for such use and application to public services of private property, a reasonable price, to be ascertained in like manner as the value of the soil, where the board and the owners cannot agree, is to be ascertained by this Act.

IX. *And be it further enacted* by the authority aforesaid, That all ^{A.D. 1819.} vacant lands within ten miles of such works, which have not been heretofore granted, shall be vested, for the use of the State, in the board of public works. ^{Vacant lands vested in the board of public works.}

X. *And be it further enacted* by the authority aforesaid, That whosoever shall wilfully or maliciously cut, break down or destroy any works constructed by the board of public works under the authority hereby given, shall be liable to be indicted, and, upon conviction thereof, shall be fined a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding twelve months; and whosoever shall impede, stop up or injure such works, by dirt, trees or rubbish, or shall impede or obstruct the navigation and free passage of any navigable river, after such river shall have been worked upon, opened, sluiced or cleared of obstructions by the board of public works, whether the same be done by trees, logs or other rubbish, shall be answerable by indictment, as in case of misdemeanor. ^{Fine for injuring public works.}

XI. *And be it further enacted* by the authority aforesaid, That the commissioners aforesaid shall continue in office for the term of one year; and each acting commissioner, before he enters on the duties of his office, shall give bond, with approved security, to the State of South Carolina, in the penal sum of twenty-five thousand dollars, for the faithful discharge of the duties of his office; which bond and security shall be lodged with, and approved by, the comptroller-general. ^{Commissioners to continue in office one year and give bond.}

XII. *And be it further enacted*, That from and after the passing of this Act, it shall be the duty of the board of public works, as soon as circumstances will permit, to lay off, open and make, upon the most approved plan, a great road from Charleston to Columbia, and thence along the ridge between Broad and Saluda rivers, and across the Saluda mountain, to the North Carolina boundary; and also, to devise and adopt all such means as they may deem expedient, to render navigable Great Pedee, as far as the North Carolina boundary, together with all such tributary streams of the said river, as they may judge expedient—and in like manner to devise and adopt all such means as they may judge expedient, to render navigable Santee, Wateree, Catawba, Broad and Saluda rivers, as well as their tributary streams—and in like manner to proceed, in conjunction with the commissioners appointed by the State of Georgia, to devise and adopt all such means as they may deem expedient, to render navigable Savannah river, from Augusta to the confluence of Toogooloo and Keowee, and the Keowee as far as they may deem expedient; and to adopt all such measures as may be necessary to ascertain the practicability of opening a communication by canal or canals between the Savannah and the waters of Edisto, or between the Savannah and the waters of Broad river, and between the Edisto and the waters of Ashley river—and in like manner to devise and adopt all such means as they shall deem expedient, to render Keowee navigable—and in like manner to proceed in devising and adopting all such means as they may deem expedient, to render navigable, the Waccamaw, Little Pedee, Black River, Edisto, and the tributary streams of the last mentioned river, and both branches thereof—and likewise the Combahee, and Great and Little Saltketcher rivers—and generally, to render navigable such other streams and water courses, and to improve and construct all such cuts, as may facilitate the navigation of the State. ^{Road to be laid out from Charleston to Columbia. Rivers and creeks to be opened.}

XIII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the said board of public works, whenever the legislature may direct, to cause to be made accurate topographical surveys of any portion of the State—to inspect minutely, from time to time, as the legis- ^{Topographical surveys to be made.}

A. D. 1819.

lature may direct, such of the rivers and creeks of the State as may be susceptible of improvement in their navigation—examine all obstructions in the same, take accurate levels of their falls and rapids, and report and recommend to the legislature the most practicable mode of improving the navigation thereof, together with the estimates of the probable expense; and it shall be their duty, also, to report to the legislature, from time to time, the state of the public roads, and recommend such alterations and improvements therein, as may be deemed expedient.

Laborers, how
to be employed.

XIV. *And be it further enacted* by the authority aforesaid, That the board of public works shall have full power and authority to distribute the time of laboring on the respective works aforesaid, in such manner as may best comport with the public good, and the health and safety of the laborers employed—and to remove the laborers and workmen in the summer season, from the low country, and unwholesome places, to other and more wholesome situations and employments.

Board to fur-
nish plans and
designs.

XV. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the said board to furnish plans and designs for such public buildings as may hereafter be ordered by the legislature—to make contracts for the erection thereof, prescribe the materials of which they shall be built, to superintend the construction, and to see that such contracts are punctually and faithfully performed; and shall also recommend repairs and alterations, when such may be expedient.

Clerks and
sheriffs to re-
port to the
board of public
works.

XVI. *And be it further enacted* by the authority aforesaid, That it shall hereafter be the duty of the several clerks of the court, to make a report to the said board of public works on the first day of November in each year, of the actual state of the court houses in their respective districts, the repairs which may be wanting, and the probable cost of such repairs; and it shall hereafter be the duty of the several sheriffs to make a similar report on the first day of November in each year, concerning the public gaols in their respective districts; which reports, so to be made by the clerks and sheriffs as aforesaid, shall be made by the assistance, and shall have the concurrence, of the commissioners of public buildings appointed in each district to assist the engineer; which commissioners shall hereafter perform the same duties in relation to the board of public works, which they have heretofore performed in relation to the engineer.

Repealing
clause.

XVII. *And be it further enacted* by the authority aforesaid, That the office of Civil and Military Engineer be, and the same is hereby, abolished.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and nineteen, and in the forty-fourth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2227. AN ACT TO ESTABLISH A NEW COURT HOUSE AND GAOL, NEAR THE CENTRE OF MARLBOROUGH DISTRICT.

WHEREAS, the legislature did, by joint resolution of the Senate and House of Representatives, passed on the 12th day of December, 1818,

order and direct that the engineer of the State should select some suitable central site for the purpose of erecting a new court house and gaol for Marlborough district; and the engineer having performed the duty assigned him, and having recommended by his report that the said court house and gaol should be erected on the great road leading from Society Hill to Fayetteville, near Crooked creek, Marlborough district, on lands of John S. Thomas—

A. D. 1819.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, or as soon as conveniently may be, there shall be erected for Marlborough district, a new brick court house and gaol, on the great road leading from Society Hill to Fayetteville, near Crooked creek, in or near an old apple orchard on the lands of John S. Thomas: *Provided*, the said John S. Thomas shall convey to the State of South Carolina three acres of land for the use of the said court house and gaol; and that as soon as the said buildings shall be finished, the commissioners hereinafter named, or a majority of them, shall certify the same to the civil and military engineer; and immediately thereafter it shall be the duty of the clerk and sheriff of the said district to remove the records which are now required by law to be kept at the said court house, to the court house to be built and erected; and the prisoners in the district, that may then be confined, shall be conveyed to the said gaol; and the courts of justice shall from thenceforth be held at that place instead of the one at which they are at present held.

New Court House and Gaol for Marlborough.

Records to be removed.

II. *And be it further enacted* by the authority aforesaid, That Nathan B. Thomas, James Gillispie, jr., Drury Robertson, William G. Fagin, James Ferness, James R. Ervin and William Brown, esquires, be, and they are hereby appointed, commissioners; and they, or a majority of them, be, and are hereby, authorized, under the direction of the engineer, to contract for materials and workmanship to erect the buildings aforesaid; and they, or a majority of them, are hereby fully authorized to make contracts for the same, and to supervise the same until they are completely finished, at which time they are to report to the legislature.

Commissioners

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and nineteen, and in the forty-fourth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE No. 2228. THE VILLAGE OF MOULTRIEVILLE ON SULLIVAN'S ISLAND.

WHEREAS, the intendant and wardens of Sullivan's Island have, by their memorial to the legislature, represented that the act of incorporation doth require some alterations and amendments, in order to enable the corporation to carry into effect the powers and regulations thereby intended.

Moultrieville incorporated.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That it shall be lawful for the intendant and wardens of

A. D. 1819.

Patrol duty to
be performed

Moultrieville, on Sullivan's, [Island] to provide, by ordinance under their corporate seal, for the performance of patrol duty on the said island, by the whole of the inhabitants of the said island, including as well the owners of houses who reside there, or whose families reside there, as also those who hire houses, or keep lodging houses, public houses or stores, and all persons lodging or residing therein, who are capable of performing patrol duty; prescribing also, by ordinance, into how many squads or patrol companies the inhabitants shall be divided, how often they shall ride patrol, and the penalties to be imposed on defaulters, and the mode of recovering and appropriating such penalties; together with all other matters necessary for organizing and regulating patrols, according to the circumstances of the island; *provided*, that the patrols shall not be vested with any higher or greater powers than patrols now possess under the laws of the State; and that no penalties be prescribed for any default in riding patrol, exceeding five dollars for each default, and no reference to a percentage on the general tax.

Corporation
vested with the
powers of com-
missioners of
roads.

II. *And be it further enacted* by the authority aforesaid, That the said intendant and wardens shall be, and they are hereby, vested with the powers and privileges of the commissioners of the public roads, so far as may be necessary for making up, repairing and keeping in repair the streets and high ways of the said island, or the streightening of streets, or the opening and laying off of new streets, where the same is found necessary; *provided*, that no street shall be so altered, or new street so laid off, as to interfere with any dwelling house, kitchen, stable or carriage house, or smaller building, that may not easily and without inconvenience be removed to some other part of the premises, nor so as that such street shall pass through any occupied lot, otherwise than at or contiguous to one of the boundaries thereof: and if any person shall be materially injured or aggrieved by the alteration of any street, or the opening of any new street, he shall be entitled to have the matter submitted to three referees, one to be chosen by the party, one by the council, and the third by those two, who may assess any reasonable sum for compensation; which sum shall be paid by the council before the street shall be established: *Provided always*, that the party through whose lot the proposed street is to be run, shall, upon notice thereof, or within seven days thereafter, put in his claim in writing, to the intendant or one of the wardens, to have the damages assessed in that way, otherwise he may be considered as relinquishing any claim therefor. And the said intendant and wardens may, by ordinance, provide for the ascertaining of and calling forth all persons, as well white as coloured, who reside on the said island, including the male slaves or domestics of the inhabitants, and all free persons of color who reside on the island; and compelling all such persons to work on the streets and high ways of the said island, in such parties or portions as may at different times be found convenient, affixing such fines or penalties for neglect or refusal, as the town council shall see fit, and recovering the same as other penalties under their by-laws; *provided*, that no persons shall be compelled to work, or to send their slaves or servants to work, on the said streets or highways, except between the first day of June and the first day of October in each year, nor oftener than six days within that period in each year: *and provided*, that no penalty for default shall exceed five dollars for each individual hereby made liable to the duty, and for each default of performing the same, without just and reasonable excuse.

And may re-
ceive wharfe

III. *And be it further enacted* by the authority aforesaid, That the jurisdiction and controul over the landing places of the said island, granted

by the Act of incorporation to the intendant and wardens of Sullivan's Island, shall extend to authorize them from time to time, to demand from boats, packets, vessels and craft, resorting to and using the landing places, or plying between Charleston and the island, just and reasonable wharfages, the better to enable the said corporation to improve and maintain the public landings.

A. D. 1819.

IV. And whereas, the privilege of occupying the said island by the citizens, was originally granted by the legislature, under the proviso that each citizen taking a lot for himself, should actually build thereon; and it is not just and proper that any citizen should appropriate a vacant lot by the erection of a mere shed, or by mere inclosure, and thereby prevent others from the privilege which he doth not himself actually use: *Be it further enacted* by the authority aforesaid, That no exclusive right to a lot on the said island shall be obtained by any citizen otherwise than by his actually building a dwelling house thereon; and if such dwelling house shall be removed or destroyed, the owner thereof shall have the exclusive right to re-build on the same lot for one year thereafter; and if no dwelling house be built by him within that period, such lot shall again be considered as vacant.

Lots to be held
by building
dwelling houses
thereon.

In the Senate House, the fourteenth day of December, in the year of our Lord one thousand eight hundred and nineteen, and in the forty-fourth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND NINETEEN; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2229.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, and for the use and service thereof.

Tax to be
raised.

II. *And be it enacted* by the authority aforesaid, That thirty-seven and an half cents ad valorem on every hundred dollars, be paid in specie, paper medium, or in the notes of the incorporated banks of this State, on all lands granted within this State.

Thirty-seven
and a half
cents advalorem
on all
lands.

III. *And be it further enacted* by the authority aforesaid, That seventy-five cents per head shall be levied on all slaves, of all ages and descriptions; the sum of two dollars per head on all free negroes, mulattoes, and mestizoes, (except such as shall be clearly proved to the satisfaction of the collectors to be incapable, from maims or otherwise, of providing a livelihood,) between the ages of fifteen and fifty; and thirty seven and a half cents ad valorem on every hundred dollars of the value of all lots and lands and buildings within any city, town, village or borough; and seventy-five cents per hundred dollars, on all stock in trade, factorage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses, and mechanics excepted,)—to be ascertained and valued by the assessors and collectors

Tax on slaves,
city lots and
lands, faculties
and professions

A. D. 1819.

throughout this State, according to the best of their knowledge and information; to be paid in specie, paper medium, or the notes of the banks of the State of South Carolina.

Absentees
triple taxed.

IV. *And be it further enacted* by the authority aforesaid, That every person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay for the use of this State a triple tax on the same. But this clause shall not be construed to extend to any person sent, or hereafter to be sent, abroad in the service of the United States, or of this State, until one year after the expiration of his commission.

Tax on plays
and shows.

V. *And be it further enacted* by the authority aforesaid, That all persons representing for gain or reward, any play, comedy, tragedy, farce or interlude, or any employment of the stage, or any part therein, and those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of five dollars per day, to the clerks of the courts of the districts within which they make their exhibitions; who shall pay over the said tax into the public treasury annually. And in case of the non-payment on demand, the clerks of the said courts, or any justice of the peace or of the quorum, shall, and they are hereby required and empowered forthwith to issue an execution, directed to the sheriff or any constable of the said district, against the body or goods of the person or persons hereby declared liable to pay the tax aforesaid: *Provided nevertheless*, That nothing herein contained shall be construed to extend to any town or city now incorporated.

Collectors
commissions.

VI. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, the tax collectors for Horry district, and for St. James Goose Creek, shall be allowed the sum of ten per cent on all sums of money paid into their hands for taxes; the tax collectors of Barnwell, Chesterfield, Clarendon, Chester, Darlington, Greenville, Lexington, Lancaster, Lewisburgh, Laurens, Marlborough, Newberry, Orange, Pendleton, Spartanburgh, Salem, Union, York, Saint Andrews, All Saints, Christ Church, Saint George's Dorchester, Saint Johns Berkley, Saint James Santee, Marion, Saint Peters, Saint Pauls, Saint Stephens, Saint Thomas and Saint Dennis, Prince Williams, Williamsburgh, and Saint Lukes, be, and they are hereby, respectively allowed seven per cent on all sums of money paid into their hands for taxes; and all other tax collectors shall receive the same per centage as heretofore.

Phoenix Insurance
Company
taxed.

VII. *And be it further enacted* by the authority aforesaid, That the Phoenix Insurance Company be, and they are hereby, authorized and permitted to underwrite any policy or policies of insurance, of any kind whatsoever, and of any value, as fully and as completely as they were permitted to do anterior to the Act for the year eighteen hundred and fourteen; *Provided*, the said company pay into the treasury of this State the sum of four thousand dollars.

Stock to be
returned

VIII. *And be it further enacted* by the authority aforesaid, That all returns of stock in trade shall have relation to the first day of January in each year, and not to the first day of October, as heretofore.

Defaulting
Tax collectors
to be charged
15 per cent.

IX. *And be it further enacted* by the authority aforesaid, That if any tax collector within this State shall neglect or refuse to make his return and pay the taxes within the time prescribed by law, which had been received by him, it shall be the duty of the treasurer, within whose division such default shall be made, in addition to the coercive power which he now possesses, to charge the said collector with interest at the rate of fifteen per cent per annum, from the time he ought to have made such return and paid the taxes, to the time of such settlement.

X. *And be it further enacted* by the authority aforesaid, That the several collectors throughout the State, except the collector for the parish of St. Philip's and St. Michael's, shall make their return and settlement by the first Monday in June in every year.

A. D. 1819.

Returns to be made by the first Monday in June.

XI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the treasurers of the upper and of the lower divisions, the attorney general, the commissioner of Columbia, the solicitors, and of every other person having in his possession the evidence of any debt due to the State, on the first day of October next to furnish the comptroller-general with a statement thereof, shewing the names of the debtors, the amount of the debt, the interest, the payments and the balance due the State; from which statement, as well as from any other information which he can obtain, the comptroller general shall make a general statement, shewing all monies due the State, (except the old bonds given for confiscated property,) and to lay the same before the legislature with his annual report; and should either of the public officers aforesaid fail to furnish the comptroller with the information above required, he shall forfeit and pay the sum of two hundred dollars, to be recovered by action of debt in any court of law in this State having competent jurisdiction.

Debts due to the State to be returned.

XII. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, it shall not be necessary for the comptroller-general to draw any special or general warrant upon the treasurers for any monies which are required by law to be paid out of the treasury, except the appropriation for internal improvements, or such other appropriations as may by the legislature be ordered to be paid under his direction

Comptroller general not to draw special warrants.

XIII. *And be it further enacted* by the authority aforesaid, That the commissioners of free schools be, and they are hereby, authorized to draw on the treasurer of the division in which they may reside, for the monies appropriated for free schools, in the same manner as they have been heretofore authorized to draw on the comptroller general: *Provided*, that the said commissioners in the respective districts and parishes, do make returns agreeable to law, in each year, to the legislature; and if the commissioners of any district or parish shall fail to make such return, the appropriation for that district or parish, for the year for which no return shall be made, shall not be paid by the treasury department, unless such return be submitted to and approved by a subsequent legislature.

Commissioners of free schools to draw on the treasurers.

XIV. *And be it further enacted* by the authority aforesaid, That the treasurer of each division be, and he is hereby, authorized to pay the salaries of the officers resident in his division, the contingent accounts passed against his division, the jurors and constables certificates for attendance on courts within his division; and all other appropriations shall be paid by the treasurer of the upper division, unless otherwise directed by law; and it shall be the duty of each of the said treasurers, whenever they shall make any payment, to take a duplicate receipt, and forward the same to the comptroller-general, with his monthly report.

Salaries, how to be paid.

XV. *Be it further enacted* by the authority aforesaid, That it shall be the duty of the several clerks of the courts in this State, to collect and receive all fines inflicted, and forfeitures incurred, in their respective courts, and to pay the same over to the treasury of the division in which they reside respectively, on or before the first day of October next, and on or before the first day of October in each and every year, and to render an account thereof to the comptroller-general, as heretofore required by law.

Clerks of courts to collect and pay over fines.

XVI. *And be it further enacted* by the authority aforesaid, That a further indulgence of one year be granted to the surties of Daniel D'Oyley.

Surties of D. Doyley further indulged.

A. D. 1819.

Horry district
court, when to
sit.

XVII. Whereas, an Act passed the fourteenth day of December, one thousand eight hundred and nineteen, entitled "An Act to lengthen the term of the sittings of the courts of common pleas and general sessions for the judicial district of Horry, and for other purposes therein mentioned," directs the judges of the courts of common pleas and general sessions to meet on the first Monday after the fourth Monday in March and October, at Conwayborough, to hold the courts; and whereas, it was not the meaning and intent of the legislature, that all the judges should meet in manner and for the purposes mentioned in said Act: *Be it therefore enacted* by the authority aforesaid, That the court of sessions and common pleas for Horry district shall be held at Horry court house, on the first Monday after the fourth Monday in March and October in every year, to sit for six days, if it be necessary; and that so much of the said Act as is repugnant to the intent and meaning of this Act, be, and the same is hereby, repealed

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and nineteen, and in the forty-fourth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2230. **AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND NINETEEN; AND FOR OTHER PURPOSES THEREIN MENTIONED.**

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be appropriated for the salaries of the public officers, and other expenses and purposes of government.

For the salary of the Governor, three thousand five hundred dollars.
Appropriations For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of six Judges of the court of Common Pleas, each three thousand five hundred dollars.

For the salary of one judge of the court of common pleas, two thousand five hundred and seventy-two dollars.

For the salaries of five Judges of the Court of Equity, each three thousand five hundred dollars.

For the salary of the Attorney-General, twelve hundred dollars.

For the salary of the Comptroller-general, and stationary included, two thousand five hundred dollars.

For a clerk to the Comptroller-general, one thousand dollars; which clerk shall be appointed by and removeable at the pleasure of the Comptroller-general.

For the salaries of five Circuit Solicitors, in lieu of all charges against the State, for the performance of every public duty appertaining to their respective offices, each seven hundred dollars.

For the salary of the Treasurer in Charleston, for the transacting the business of the loan office, and clerks, two thousand six hundred and fifty-eight dollars.

A. D. 1819.

For the salary of the Treasurer in Columbia, including clerks, two thousand dollars.

For the salaries of the Clerks of the Senate and House of Representatives, each twelve hundred and thirty dollars, to be paid at the adjournment of the Legislature.

For a contingent fund, subject to the draft of the Governor, for the expenditure of which he shall submit an annual account to the Legislature, six thousand dollars.

For procuring a map of the State, nine thousand dollars, if so much be necessary.

For the Transient Poor, payable to the City Council of Charleston, eight thousand dollars.

For the City Council of Charleston, to execute the quarantine laws, one thousand dollars.

For the expenses of the Members of the Legislature at the present session, and pay to the Solicitors for their attendance, seventeen thousand dollars; if so much be necessary.

For two Doorkeepers of the Legislature, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature.

For two Messengers, each two hundred and fifty dollars; to be paid at the adjournment of the legislature.

For the rent of the Governor's house in Columbia, two hundred and fifty dollars.

For the discharge of the contingent expenses of the lower division, a sum not exceeding six thousand dollars.

For the discharge of the contingent expenses of the upper division, a sum not exceeding fifteen thousand dollars, if so much be necessary.

For aid in supporting the transient poor of Georgetown, the sum of five hundred dollars, to be paid to the commissioners of the poor of Prince George, Winyaw, to be laid out and expended by them for the use of the transient poor; the said commissioners to publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sum laid out for each, as may have been relieved by this fund; and shall return an account on oath to the comptroller, of such expenditure, to be submitted by him to the legislature.

For the salary of two tutors in the South Carolina College, each one thousand dollars.

For the Professors of Chemistry, of Logic and Moral Philosophy, of Languages, and of the Mathematics, of the South Carolina College, the sum of two thousand dollars.

For the President of the South Carolina College, the sum of three thousand dollars.

For commons and other incidental expenses of one boy in College from the Orphan House, for the ensuing year, to be placed in the hands of William E. Hayne for the use of said boy, two hundred and sixty dollars.

For the pay of the magazine guard, to consist of an officer, sergeant and twelve men, to be paid by and under the direction of the comptroller general, four thousand dollars.

For the guard in Camden, to consist of a subaltern and ten men, two thousand dollars.

For the assessors of the parishes of St. Michael and St. Philip, five hundred dollars.

For aid in support of the transient poor of Beaufort, five hundred dollars, to be paid to the Town Council of Beaufort, who shall make an annual return on oath, to the comptroller-general, which shall be submitted by him

Poor in Beaufort.

A. D. 1819.

Tax returns to be left with the treasurers.

Treasurers to pay by checks on bank.

All public officers to pay by a check on the bank.

Free schools.

to the legislature, containing the names and numbers of those relieved, and the sums appropriated for the benefit of each individual.

II. *And be it further enacted*, That the different tax collectors throughout the State shall hereafter be required to leave with the treasurer of the division to which they shall be attached, such returns as are now required by law to be left with the comptroller-general.

III. *And be it further enacted*, That all payments hereafter to be made by the treasurers of the upper and lower divisions of this State, shall be by drafts or checks upon the Bank of the State of South Carolina, or its branches, and in no other way.

IV. *And be it further enacted*, That no payment of money shall be made by any public officer in this State in any other manner than by a check or draft on the Bank of the State of South Carolina, or its branches nearest to the treasury, so as to make it necessary for such public officer to deposit his money in said bank or its branches, previous to his making such payment.

V. *And be it further enacted* by the authority aforesaid, That the three last clauses be permanent laws.

VI. *And be it further enacted*, That the sum of thirty-seven thousand dollars be appropriated for the support of free schools; and that the commissioners of free schools be authorized to draw for the unexpended balance of appropriation heretofore made for the schools in their several districts.

For the salary of the Librarian of the South Carolina College, four hundred dollars.

For the Librarian of the Legislature, one hundred dollars.

For public buildings, as agreed to by both branches of the Legislature at the present session, eighty-three thousand dollars, if so much be necessary.

For claims agreed to by both branches of the Legislature at the present session, twenty thousand dollars, if so much be necessary.

For pensions agreed to by the Legislature at different times, nine thousand dollars, if so much be necessary.

For internal improvement, two hundred and fifty thousand dollars.

For John W. Chitty, the messenger of the late Governor Pickens, four hundred and twenty-eight dollars and fifty-two cents.

For the Clerk of the Court of Columbia, for attending the Constitutional Court, one hundred and forty dollars.

For the Clerk in Charleston, one hundred and forty dollars.

For the Commissioner in Equity, for attending the Court of Appeals in Columbia, one hundred dollars.

For the Sheriff of Richland district, for attending the Constitutional and Appeal Court at Columbia, one hundred and fifty dollars.

For the Sheriff of Charleston district, for attending the Constitutional and Appeal Court in Charleston, one hundred and fifty dollars.

For the keeper of the State House in Columbia, one hundred and thirty dollars.

For the Adjutant and Inspector General, two thousand dollars.

For the Arsenal keeper in Charleston, six hundred dollars.

For the salary of the Port Physician of Charleston, for boat hire and all other expenses incident to his office, one thousand dollars.

For the arsenal keeper and powder receiver in Camden, three hundred dollars.

For the arsenal keeper at Abbeville, one hundred and fifty dollars. And for the arsenal keepers and powder receivers for Georgetown and Beaufort, each two hundred and fifty dollars.

For the purpose of establishing a magazine guard at Georgetown, two thousand dollars, if in the opinion of the Governor for the time being it is expedient to keep munitions of war at that place.

A. D. 1819.

For the purpose of establishing a magazine guard at Beaufort, two thousand dollars, if in the opinion of the Governor for the time being it is expedient to keep munitions of war at that place.

For the State Printer, a sum not exceeding two thousand dollars, if so much be required.

For the Pilot of the bar and harbour of Beaufort and Georgetown, each three hundred and twenty dollars.

For Annuities, nine thousand dollars, if so much be necessary.

VII. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to return to Charles B. Cochran, Sabina Hall, Christopher Jordan, F. Le Cat and Richard Smallwood, two thirds of the tax paid the last year on the property which is in their possession as lessees of Roper.

And he is hereby further authorized and required to indulge, until the next session of the Legislature, Adam Caruth, who is indebted to this State, (for money borrowed,) the sum of ten thousand dollars, which, with three years interest thereon, will be due in March next; provided the three years interest when due shall be paid; and provided further, that the securities of the said Caruth shall consent to such indulgence.

Further indulgence granted to Adam Caruth.

For Gresham Chapman, for sinking a well on the State House square, one hundred and ten dollars seventy-five cents.

VIII. Whereas, by an Act passed the seventeenth day of December, in the year of our Lord one thousand eight hundred and seventeen, entitled "An Act to authorize the Governor of this State to cause that part of the lands purchased of the Cherokee Indians, which has been surveyed and divided into tracts, to be sold as early as possible, and for other purposes therein mentioned," it was enacted that the surveyor-general should not issue grants for the lands therein mentioned, unless he shall be satisfied of the payment of the purchase money; and whereas, the surveyor-general has hitherto supposed it necessary that the receipt of the treasurer should be produced before he might issue such grants; and whereas, many purchasers at the sales directed by said Act, did not avail themselves of the credit therein allowed, but preferred paying in cash the full amount of their purchases to the commissioners authorized to sell the same: *Be it therefore enacted*, That the surveyor-general be, and he is hereby, authorized to issue grants for the said lands, whenever he shall be satisfied that the purchase money has been paid either to the treasurer of the upper division or to the commissioners aforesaid.

Grants to be issued in certain cases.

IX. Whereas, by an Act passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, entitled "An Act to make appropriations for the year one thousand eight hundred and eighteen, and for other purposes therein mentioned," it is, among other things, enacted, that Samuel Warren, executor of Samuel Dupree, (who was indebted to James Perdrieau, a natural child, and who had left no representatives,) was authorized and required to pay the monies due to the said James Perdrieau, to his natural sister, Lydia Miller; and whereas, it was not the intention of the Legislature to declare that the said Lydia Miller was a natural child, but, on the contrary, was the reputed legitimate child of the father of the said James Perdrieau; *Be it therefore enacted* by the authority aforesaid, That the clause referred to in the aforesaid Act shall be altered and amended to read as follows: That Samuel Warren, executor of Samuel Dupree, who was indebted to James Perdrieau, (a

S. Warren authorized to pay over certain monies.

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natural child, and who has left no representative,) be, and he is hereby, authorized and required to pay the sums due by the said Samuel Dupre to the said James Perdrieau, and all other sums of money which he, the said Samuel Warren, may have collected, as of the estate of the said James Perdrieau, to John Miller, of Pendleton district, who has lately intermarried with Lydia Perdrieau, the daughter of the reputed father of the said James Perdrieau.*

For the interest of R. Wainwright's claim, which by the resolution of the Legislature, at their last session, was ordered to be ascertained and paid by the comptroller-general to Peter Oliver, administrator of R. Wainwright, the sum of two hundred and fifty dollars, if so much be necessary.

Titles to be
made to T.
Gourdin.

X. Whereas, by an Act passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, entitled "An Act to make appropriations for the year one thousand eight hundred and seventeen, and for other purposes therein mentioned," it was enacted, among other things, that on the refusal of States Gist to receive titles for a tract of land therein mentioned, the comptroller-general should sell the same for the benefit of the State, and that the surviving commissioners of confiscated estates should make title to the purchaser, his heirs and assigns; and whereas, the said commissioners have declined acting in the premises, by reason whereof no title has been made to Theodore Gourdin, who became the purchaser of said lands, at the sale directed by the Act aforesaid; and whereas, it is further understood, that certain evil disposed persons have, in defiance of the rights of the State, entered upon a part of the said land, and threatened to use violence towards any person who should purchase the same and attempt to take possession thereof: *Be it therefore enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to make full and complete titles for the said land, and to do and perform all and every act and acts in the premises which the commissioners aforesaid might lawfully do.

Persons having
possession of
the said lands
to be proceeded
against.

XI. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized and required to proceed at law against all persons in possession of the said land, and to recover the same by due process of law.

H. Rees's bond
to be sued.

XII. *And be it further enacted* by the authority aforesaid, That the commissioner of the loan office be, and he is hereby, authorized and required to cause the bond of Hubbard Rees to the paper medium loan office, to be sued, unless the same be entirely paid off on or before the first day of February next; and in case the amount due, with interest, cannot be made and levied of the estate of Hubbard Rees, then the commissioner of the loan office shall be, and he is hereby, authorized and required, on the payment of the amount of principal and interest due thereon by William R. Theus, or his representatives, to make a title to him or them for the tract of land which was mortgaged by the said Hubbard Rees to the paper medium loan office; which was afterwards sold, and at the sale thereof bought in for the State, by William Clement, then treasurer of the lower division, in the year of our Lord one thousand eight hundred and thirteen.

Part of a former
bank law
repealed.

XIII. *And be it further enacted* by the authority aforesaid, That so much of an Act entitled "An Act to explain and amend an Act entitled an Act to establish a bank on behalf of and for the benefit of the State," passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirteen, as makes it the duty of the comptroller-general to transfer to the bank, on account of capital, on the second

* See Ante, page 113.

day of April, in each and every year, all monies received through the course of the preceding year, and then remaining in the treasury, be, and the same is hereby, repealed.

A.D. 1819.

XIV. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the attorney-general, the circuit solicitors, clerks of sessions and common pleas, commissioners of the poor, commissioners of the roads, commissioners of the tobacco inspection, the treasurer of college, the commissioners of Columbia, and treasurers of the upper and lower division, in making their returns to the comptroller-general, as by law directed, to make out and deliver to him at the same time, fair duplicates thereof.

Duplicate returns to be given by certain officers.

XV. *And be it further enacted* by the authority aforesaid, That the comptroller-general shall be, and he is hereby, authorized and required annually to insure against fire the college buildings at Columbia.

College buildings to be insured.

For the purchase of chemical, philosophical and mineralogical apparatus of Mr. L'Herminier, for the use of the South Carolina College, one thousand dollars.

XVI. Whereas, the Legislature, by an Act passed the fifteenth day of December, eighteen hundred and seventeen, authorizing the Governor to cause to be sold all the lands ceded by the Cherokee Indians to this State, which were surveyed, divided and platted into separate tracts, reserved the five following tracts, to await an issue to try titles to the said tracts, between the State and Sally Nicholson, to wit: No. 1, North Cheohee creek; No. 2, on South Cheohee; No. 3, on west fork of Little river; No. 4, on west fork of Little river, and No. 1, on Long Branch: And whereas, on the trial of the said issue at the circuit court held for Pendleton district, the jury found a verdict for the said Sally Nicholson, for six hundred and forty acres, within the tracts designated by the aforesaid numbers: *Be it therefore enacted* by the honorable Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor be, and he is hereby, authorized and directed to appoint one commissioner to survey and lay off for the said Sally Nicholson, according to her direction, six hundred and forty acres of land, as near a geometrical square as possible, within the before mentioned numbered tracts.

Land to be laid off for S. Nicholson.

XVII. *And be it further enacted*, That the Governor be, and he is hereby, authorized to be caused to be sold as early as possible, the tract of land surveyed and laid out as a reserve for Sally Vann (or Nicholson) and such other lands as have been surveyed and platted and remain unsold.

Certain lands to be sold.

XVIII. *And be it further enacted* by the authority aforesaid, That the Governor be, and he is hereby, authorized to appoint three commissioners to conduct the aforesaid sales; and the said sales shall be conducted in the same manner and subject to the same conditions directed in an Act passed the fifteenth day of December, in the year of our Lord one thousand eight hundred and seventeen, entitled "An Act to authorize the Governor of this State to cause that part of the lands purchased of the Cherokee Indians, which has been surveyed and divided into tracts, to be sold as early as possible, and for other purposes therein mentioned."

Said sales how to be conducted.

XIX. *And be it further enacted* by the authority aforesaid, That the sum of one hundred and fifty dollars (if so much be necessary,) be, and the same is hereby, appropriated for the purpose of recording such papers of the court of common pleas and sessions for Lancaster district, as are unrecorded, and also for binding the books of the register of mesne conveyance for the said district, and also for furniture procured for the said office by John Simpson, late clerk of the said district.

Records of Lancaster.

A. D. 1819.

Ten thousand dollars for the purchase of arms and munitions of war, if in the opinion of the governor it shall be necessary, and to be subject to his order.

For arranging the records in the offices of the Secretary of State and Surveyor-General in Charleston, two thousand dollars.

For arranging the records of the Secretary of State and Surveyor-General's office in Columbia, five hundred dollars.

For medical services, agreeably to the reports of the medical committee agreed to by both houses, eleven hundred and sixty dollars eighteen cents.

For William Malin, constable of Greenville district, for serving warrants, &c., fourteen dollars and nine cents, agreed to, but by mistake ordered to be paid to William Mabin, by the appropriation of eighteen hundred and eighteen.

For George Salmon, of Greenville, seventy dollars and twenty-five cents, for surveying confiscated lands.

For Hezekiah Nettles, of Sumter district, for repairing two field pieces, seventeen dollars.

XX. *Be it further enacted* by the authority aforesaid, That eighty dollars be, and is hereby, appropriated to John Russell, as compensation for the use of two rooms in his house, for the holding the court of appeals in law and equity, four days in April last.

XXI. *And be it further enacted* by the authority aforesaid, That the sum of one hundred and sixty dollars be paid to Mary Ann Fabian, on account of that sum due to her late husband, John Fabian, as agreed to by both houses, for building a house for the use of Colleton gaol.

For completing the repairs of the court house of Williamsburgh district, one thousand dollars, if so much be necessary.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and nineteen, and in the forty fourth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2231. AN ACT to incorporate the Union Insurance Company.

(Passed December —, 1820. *See last volume.*)

No. 2232. AN ACT to give the same compliment of Officers to Companies of Artillery, in this State, as are required, by the laws now in force, in the United States service; and for other purposes therein mentioned.

(Passed December —, 1820. *See last volume.*)

A. D. 1820.

AN ACT TO INCREASE THE NUMBER OF JUSTICES OF THE QUORUM AND PEACE, FOR CERTAIN DISTRICTS IN THIS STATE; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2233.

WHEREAS, it is expedient to increase the number of justices of the quorum and peace for certain districts in this State: Preamble.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, the number of justices of the quorum in Laurens shall be increased to the number of four more than now allowed by law; and that the number of justices of the peace in said district shall be increased to the number of three more than now allowed by law. Number of Justices of the Peace and Quorum.

II. *And be it further enacted* by the authority aforesaid, That there shall be appointed for the district of Fairfield two justices of the quorum and three justices of the peace, in addition to the number now allowed by law; for Abbeville district, two justices of the quorum and two of the peace, in addition to those now allowed by law; for the parish of St. James Goose Creek, two justices of the quorum and two of the peace, in addition to the number already allowed by law; for St. Peter's Parish, two justices of the quorum and two of the peace, in addition to those already allowed by law; for Spartanburgh, one justice of the quorum and one of the peace, in addition to the number now allowed by law; for the district of Newberry, one justice of the peace, in addition to those already allowed by law; for Pendleton district, on account of the acquisition of territory, three justices of the quorum and six justices of the peace, in addition to those appointed by law; for Barnwell, one justice of the quorum, in addition to those already allowed by law; for Prince Williams' parish, one justice of the quorum and two justices of the peace, in addition to those allowed by law; for Edgefield district, one justice of the quorum and two justices of the peace.

III. *And be it further enacted* by the authority aforesaid, That the several commissioners in equity for this State, and ordinaries, upon their taking the oaths required of justices of the quorum and peace, shall hereafter have all the powers and authority of justices of the quorum, except in the trial of small and mesne causes, and in officiating as commissioners of special bail. Ordinaries and Commissioners in Equity to be Q. U.

III. *And be it further enacted* by the authority aforesaid, That all justices of the peace and of the quorum, which shall be hereafter appointed, shall be allowed to qualify at any time within ninety days, or previous to the adjournment of the first court of common pleas, to be held in the district for which such appointment is made. When to qualify.

In the Senate House, the _____ day of December, in the year of our Lord one thousand eight hundred and twenty, and in the forty-fifth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

A. D. 1820.

No. 2234. AN ACT to make and establish the Vestry and Church Wardens of the Protestant Episcopal Church, called Grace Church, in the State of South Carolina, a body politic and corporate.

(Passed December —, 1820. *See last volume.*)

No. 2235. AN ACT TO INCREASE THE SECURITY OF SHERIFFS OF CERTAIN DISTRICTS WITHIN THIS STATE.

Preamble. WHEREAS, the security now required by law to be given by the sheriffs of several districts within this State, for the due and faithful discharge of the duties of their offices, are deemed insufficient : for remedy whereof,

Sheriffs of certain districts to give additional security. I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the persons who shall hereafter be elected to the office of sheriff for the districts of Abbeville, Pendleton, Sumter, Fairfield, and Edgefield, or be appointed thereto by the Governor during the recess of the Legislature, shall, instead of the sums now required by law, respectively give bond and security in the sum of twenty thousand dollars, for the due and faithful discharge of the duties of his or their office or offices.

Of Beaufort and Colleton. II. *And be it further enacted* by the authority aforesaid, That all sheriffs hereafter elected, or appointed by the Governor, for Beaufort and Colleton districts, shall give bond in the sum of twelve thousand dollars, with the same number of securities now required by law.

In the Senate House, the ——— day of December, in the year of our Lord one thousand eight hundred and twenty, and in the forty-fifth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2236. AN ACT to restrain the emancipation of Slaves, and to prevent free persons of colour from entering into this State ; and for other purposes.

(Passed December 20, 1820. *See last volume.*)

No. 2237. AN ACT to amend an Act entitled "An Act to enlarge the jurisdiction of the Inferior City Court of Charleston."

(Passed December 20, 1820. *See last volume.*)

A. D. 1820.

AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT A PHYSICIAN TO ATTEND ON THE GAOL IN CHARLESTON, AND THE MAGAZINE GUARD IN SAINT PHILIP'S PARISH; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2238.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the Governor of this State, for the time being, shall have power, and he is hereby authorized and empowered, in each and every year, to appoint some fit and proper person to attend as a physician and surgeon on the prisoners confined in the gaol in Charleston district, and on the Magazine Guard in Saint Philip's parish; his attendance to commence on the tenth day of January next, and to continue for one year and until another appointment shall be made as aforesaid.

II. *And be it further enacted* by the authority aforesaid, That the physician so appointed shall, for such service, including medicine and all other charges, receive as a compensation the sum of five hundred dollars per annum, and no more, under any pretence whatever.

III. *And be it further enacted*, That from and after such appointment shall be made, the account of no other physician, surgeon or apothecary, for attendance, operations or medicines on the said prisoners or guard, shall hereafter be allowed or paid by the legislature under any pretence whatever.

In the Senate House, on the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty, and in the forty fifth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO PROVIDE FOR KEEPING OPEN THE NAVIGATION OF HORSE CREEK, IN EDGEFIELD DISTRICT. No. 2239.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by and with the authority of the same, That no person shall obstruct Horse Creek in Edgefield district, so as to prevent rafts or boats from passing through it: but that every person now owning or hereafter owning, or possessing any mills, mill dams or other dams thereon shall always after the passing of this Act, have and keep a good and sufficient flood-gate, lock or other passage, at least thirteen feet wide, which shall be opened as often as may be necessary for the passage of any raft, boat, lumber or other thing; and if any such person shall not have and keep constantly such a flood-gate, lock or other passage, or when required shall not open the same, for the passage of rafts, boats or other things as above mentioned; such dam, lock, flood-gate or other passage, may be cut open by the direction of a magistrate and freeholders, in the same manner and by the same proceeding as Rice dams may by law be cut:

A. D. 1920. and the owner or possessor thereof shall be liable to be indicted, or to be sued by special action on the case.

Commissioners II. *And be it further enacted*, That Christian Breithaupt, M. C. Levenworth, John Tarrance, Wade Hampton, jr. and Arthur Simkins, be, and they are hereby, authorized and empowered to superintend and direct the opening of the said stream, and the removal of existing obstructions.

Act repealed. III. *And be it also enacted*, That an Act entitled "An Act for the relief of Jesse Rountree, and others," owners of mill dams on Horse creek, passed on the the nineteenth day of December, in the year of our Lord one thousand eight hundred and seven, be, and the same is hereby, repealed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty, and in the forty-fifth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2240. AN ACT TO VEST THE TITLE OF A CERTAIN TRACT OF LAND IN THOMAS PETTICREW; AND FOR OTHER PURPOSES.

Preamble. WHEREAS, Susannah Boggs, late of the district of Richland, was at the time of her death seized in fee of a certain plantation or tract of land, in said district, on Tom's creek, containing—acres more, or less, and departed this life intestate, without leaving any person capable in law of taking said lands by inheritance: and whereas, it hath appeared that Thomas Petticrew, a nephew and nearest of kin of the said Susannah Boggs, hath prayed the legislature, that title to the said tract of land may vest in him, and hath in his petition set forth, that though he is an alien by birth, he hath made a declaration, in due form of law, of his intention to become a citizen of the United States

Title to a tract of land vested in Thomas Petticrew.

I. *Be it therefore enacted* by the honorable the Senate and house of Representatives, now met and sitting in general assembly, and by the authority of the same, That the title of the State to the said tract of land, be, and the same is hereby, vested in the said Thomas Petticrew, his heirs and assigns; subject nevertheless, to the lawful claim or claims of any person or persons whomsoever, or of any body or bodies corporate; *and provided also*, that the said Thomas Petticrew shall actually become a citizen of the United States; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Title to a tract of land vested in Charles Cox and others.

II. Whereas, Charles Cox, an illegitimate, died intestate and without issue, whereby, for want of heritable blood, the estate of which the said Charles Cox was seized and possessed hath accrued to the State of South Carolina, and certain persons, to wit: John C. Cox, William Sumter, Artemas Jennings, Warren Jennings, Franklin Jennings, Mary Jennings, Derrell Jennings and Eliza Bowdoin, have by their petition to the legislature set forth, that they are the next kin of the deceased, and prayed that they may be allowed to succeed him in the estate of which he was possessed, as in case of legitimacy: *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by and with the authority of the same, That all the estate, right, title, claim, interest and demand, which the State of

South Carolina may have or challenge of, in or to the lands, negro slaves or other personalty, of which the said Charles Cox was in his lifetime seized and possessed, be, and the same is hereby, released and granted to the aforesaid John Cox, William Sumter, Artemas Jennings, Warren Jennings, Franklin Jennings, Mary Jennings, Derrell Jennings, and Eliza Bowdoin.

A. D. 1820.

III. *Be it further enacted* by the authority aforesaid, That a tract of land containing fifty acres, near Sandy Run Bridge, on the road from Columbia to Charleston, and on which Martha Conheim, widow of Doctor Charles Frederick Conheim, resides, be, and the same is hereby, vested in the said Martha Conheim, her heirs and assigns forever, in fee simple.

Also in Martha Conheim.

IV. *And be it further enacted* by the authority aforesaid, That a certain tract of land containing three hundred and seventeen acres, situate on the main road from Columbia to Charleston, one mile below Beaver creek, and sold by Charles Frederick Conheim, now deceased, to Samuel Corbin, be, and the same is hereby, vested in the said Corbin, his heirs and assigns, forever in fee simple.

Also in Samuel Corbin.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty, and in the forty-fifth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT AUTHORIZING CERTAIN PERSONS TO ERECT A PEST HOUSE ON THE SOUTHWESTERN POINT OF JENKINS OR EDINGS ISLAND, IN PORT REPUBLIC HARBOUR. No. 2241.

WHEREAS, the Act of the Legislature of this State requiring and authorizing the erection of a Fort and Pest House in Port Republic Harbour, passed in the year one thousand seven hundred and ninety-seven, has not been acted upon or carried into execution by the persons therein named.

Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John G. Barnwell, Robert Means and Dr. James Stuart, be, and are hereby, appointed commissioners, with full power and authority to fix upon a proper situation for a Pest House, on a lot of land, not exceeding five acres, on the sandy ridge, forming the South western point of Jenkins or Edings Island, situate in Port Republic Harbour.

Commissioners to choose a place for Pest House.

II. *And be it further enacted* by the authority aforesaid, That if any difficulty shall arise in assessing the value of the land necessary for the erection of the said House, and appropriated by this Act, that then the commissioners above mentioned on the one part, and the proprietor or proprietors of the said land on the other part, shall appoint on each part two commissioners, who, in case of disagreement, may appoint a fifth, who, or a majority of whom, shall, upon oath, value and appraise the land necessary for the purpose aforesaid, at a reasonable price; and when the value of the said land shall be ascertained by the appraisers aforesaid, as above mentioned, the amount thereof shall be immediately paid out of the treasury of this State.

Commissioners to value the land.

A. D. 1820.

In case of disagreement.

III. *And be it further enacted* by the authority aforesaid, That in case the proprietor or proprietors of the said land shall refuse to appoint two appraisers as aforesaid, the said commissioners shall appoint four, who, in case of disagreement, shall in like manner have power to nominate or appoint a fifth, who shall have like powers and authority to appraise the said land, as if the said proprietor or proprietors had joined in the said nomination.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty, and in the forty-fifth year of American Independence.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2242. A BILL SO TO ALTER AND AMEND THE CONSTITUTION OF THE STATE OF SOUTH CAROLINA, AS TO INCLUDE THE TERRITORY ACQUIRED BY TREATY FROM THE CHEROKEE NATION, IN THE ELECTION DISTRICT OF PENDLETON.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That all that territory lying within the chartered limits of this State, and which was ceded by the Cherokee nation, in a treaty concluded at Washington, on the twenty second day of March, in the year of our Lord one thousand eight hundred and sixteen, and confirmed by an Act of the legislature of this State, passed on the nineteenth day of December in the same year, shall be, and the same is hereby declared to be, annexed to, and shall form and continue a part of, the election district of Pendleton.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and nineteen, and in the forty-fourth year of the Independence of the United States of America *

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty, and in the forty-fifth year of the American Independence. We, the President of the Senate and Speaker of the House of Representatives, do certify that the foregoing Bill has been read three times, on three several days, in each House, and agreed to by two-thirds of each House, by yeas and nays, in terms of the Constitution of this State.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2243.

AN ACT to establish certain Roads and Ferries.

(Passed December 20, 1820. See last volume.)

* This clause of ratification is not in conformity with the Constitution; it should have been in the form of that below it. See State Constitution, Art. XI.—Vide Ante, 45.

A. D. 1820.

AN ACT authorizing another Regiment of Militia to be raised and organized in the district of Pendleton; and for other purposes. No. 2244.

(Passed December 20, 1820. See last volume.)

AN ACT CONCERNING THE BONDS FOR THE FAITHFUL PERFORMANCE OF DUTIES, TO BE GIVEN BY CERTAIN PUBLIC OFFICERS OF THIS STATE. No. 2245.

I. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, in General Assembly met, That every bond to be hereafter given by any public officer for the faithful performance of his duties, shall, previously to its being accepted or recorded, be examined by the attorney-general or by one of the solicitors, who shall certify in writing, on the back thereof, that he approves of the form of the said bond; without which certificate no such bond shall hereafter be accepted: And every bond to be given by any public officer who is authorized by law to hold his office after the expiration of its regular term, and until a successor be elected, shall contain an express clause, specifying that said bond shall enure and be good against the obligors during the whole period that the said officer shall or may continue in office.

Form of bonds,
by whom to be
approved.

II. *And be it further enacted* by the authority aforesaid, That the bonds for the faithful performance of their respective duties, to be hereafter entered into by the following public officers, namely: the comptroller-general, the attorney-general, the secretary of state, the surveyor-general, and the treasurer of the upper division, shall be first approved of, and afterwards annually examined, by the Governor, at such time as he may appoint; that if any of the sureties in either of the aforesaid officers's bonds, should die or depart permanently from the State, or if the said Governor should, at the time of his examination, or at any other time, be of opinion that either of the said surities is not worth as much, clear of debt, as his proportion of the obligation to which his name is affixed, he, the said Governor, shall cause the said public officer whose surity has departed this life or removed from the State, or is objected to for insolvency, to be notified of such exception; and the said officer shall, within thirty days after the service of such notification, procure other satisfactory surity to the said Governor, for such as have departed the State or died, (but shall not cancel or at all impair the original bond) or produce satisfactory evidence to the said Governor, that the surity objected to as insolvent, is worth as much as his proportion of the said obligation, clear of debt, or else the said public officer shall procure such additional and sufficient surity or surities as the said Governor shall approve of: And in default of compliance with either of the said requisitions within the said thirty days, the office of the said defaulting officer shall be regarded as vacant.

Certain bonds
to be examined
annually by
the Governor.

III. *And be it further enacted* by the authority aforesaid, That the bonds for the faithful performance of their official duties, to be hereafter entered into by all other public officers whose bonds are by law directed to be deposited in the office of treasurer of the upper division, shall be annually examined by the secretary of state, the surveyor-general and the treasurer of the upper division, at such time as they, or a majority of them, shall appoint: That if any of the surities in either of the aforesaid

Other bonds to
be examined
by the Secre-
tary of State, &c.

A. D. 1820.

officers's bonds should die or remove from the State, or if the said examiners, or a majority of them, should, at the time of their examination, or at any other time, be of opinion that either of the said sureties is not worth as much, clear of debt, as his proportion of the obligation to which his name is affixed, the said examiners, or a majority of them, shall cause the said public officer whose surety has departed this life or removed from the State, or is objected to for insolvency, to be notified of such exception; and the said officer shall, within thirty days after the service of such notification, procure other satisfactory surety to the said examiners for such as have departed from the State or died, (but the original bond shall not be cancelled or impaired,) or produce satisfactory evidence to the said examiners, that the surety objected to as insolvent is worth as much as his proportion of the said obligation, clear of debt, or else the said public officer shall procure such other and sufficient additional surety or sureties as a majority of the said examiners shall approve of: And in default of compliance with either of the said requisitions, within the said thirty days, the office of the said defaulting officer shall be regarded as vacant.

And others by
the Attorney-
General, &c.

IV. *And be it further enacted* by the authority aforesaid, That the bonds for the faithful performance of their official duties, to be hereafter entered into by all other public officers whose bonds are by law directed to be deposited in the treasurer's office in Charleston, including those of any master in equity or commissioner in equity for Charleston district, shall be annually examined by the attorney-general, the comptroller-general and the secretary of state, at such time as they, or a majority of them, shall appoint; that if any of the sureties in either of the said officers's bonds should die or remove from the State, or if the said examiners, or a majority of them, should, at the time of their examination, or at any other time, be of opinion that either of the said sureties is not worth as much, clear of debt, as his proportion of the obligation to which his name is affixed, the said examiners, or a majority of them, shall cause the said public officer whose surety has departed this life or removed from the State, or is objected to for insolvency, to be notified of such exception; and the said officer shall, within thirty days after the service of such notification, procure other satisfactory surety to the said examiners for such as have departed from the State or died, (but the original bond shall not be cancelled or impaired,) or produce satisfactory evidence to the said examiners, that the surety objected to as insolvent is worth as much as his proportion of the said obligation, clear of debt, or else the said public officer shall procure such other and sufficient additional surety or sureties as a majority of said examiners shall approve of: And in default of compliance with either of the said requisitions within the said thirty days, the office of the said defaulting officer shall be regarded as vacant.

Security to be
given by the
Master or
Commissioner
in Equity for
Charleston.

V. *And be it further enacted* by the authority aforesaid, That every master or commissioner in equity, who shall be hereafter elected for Charleston district, shall execute a bond, with good and sufficient sureties, to the State of South Carolina, in the sum of thirty thousand dollars, for the faithful performance of the duties of his office; which sureties shall be previously approved of by the attorney-general, the comptroller-general, and the secretary of state, or a majority of them: And the said bonds shall be deposited and recorded in the treasurer's office in Charleston.

In the Senate House, on the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty, and in the forty-fifth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

A. D. 1820.

AN ACT to incorporate the several Societies therein mentioned.

No. 2246.

(Passed December 20, 1820. See last volume.)

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2247.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, and for the use and service thereof. Tax to be raised.

II. *And be it enacted* by the authority aforesaid, That thirty-seven and one half cents ad valorem on every hundred dollars, be paid in specie, paper medium, or in the notes of the incorporated banks of this State, on all lands granted within this State. Thirty-seven and a half cents ad valorem on all lands.

III. *And be it further enacted* by the authority aforesaid, That seventy-five cents per head shall be levied on all slaves, of all ages and descriptions; the sum of two dollars per head on all free negroes, mulattoes, and mestizoes, (except such as shall be clearly proved to the satisfaction of the collectors to be incapable, by maims or otherwise, of providing a livelihood,) between the ages of fifteen and fifty; and thirty seven and one half cents ad valorem on every hundred dollars of the value of all lots and lands and buildings within any city, town, village or borough; and seventy-five cents per hundred dollars, on all stock in trade, factorage, employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses, and mechanics excepted,)—to be ascertained and valued by the assessors and collectors throughout this State, according to the best of their knowledge and information; to be paid in specie, paper medium, or the notes of the banks of the State of South Carolina. Tax on slaves, city lots and lands, faculties and professions

IV. *And be it further enacted* by the authority aforesaid, That every person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay, for the use of this State, a triple tax on the same. But this clause shall not be construed to extend to any person sent, or hereafter to be sent, abroad in the service of the United States, or of this State, until one year after the expiration of his commission. Absentees triple taxed.

V. *And be it further enacted* by the authority aforesaid, That all persons representing, for gain or reward, any play, comedy, tragedy, farce or interlude, or other employment of the stage, or any part therein, or those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of twenty dollars per day, to the clerks of the courts of the districts within which they make their exhibitions; who shall pay over the said tax into the public treasury annually. And in case of non-payment on demand, the clerks of the said courts, or any justice of the peace or of the quorum, shall, and they are hereby required and empowered forthwith to issue an execution, directed to the sheriff or any constable of the said district, against the body or goods of the person or persons hereby Tax on plays and shows.

A. D. 1829.

declared liable to pay the tax aforesaid: *Provided nevertheless*, That nothing herein contained shall be construed to extend to any town or city now incorporated.

Collectors
commissions.

VI. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, the tax collectors for Horry district and for St. James Goose Creek, shall be allowed the sum of ten per cent on all sums of money paid into their hands for taxes; the tax collectors for the districts of Barnwell, Chesterfield, Clarendon, Chester, Darlington, Greenville, Lexington, Lancaster, Lewisburgh, Laurens, Marlborough, Newberry, Orange, Pendleton, Spartanburgh, Salem, Union, York, Saint Andrews, All Saints, Christ Church, Saint George's Dorchester, Saint Johns Berkley, Saint James Santee, Marion, Saint Peters, Saint Pauls, Saint Stephens, Saint Thomas and Saint Dennis, Prince Williams, Williamsburgh, and Saint Lukes, be, and they are hereby, respectively allowed seven per cent on all sums of money paid into their hands for taxes; and all other tax collectors shall receive the same per centage as heretofore.

Phoenix Insur-
ance Company
taxed.

VII. *And be it further enacted* by the authority aforesaid, That the Phoenix Insurance Company be, and they are hereby, authorized and permitted to underwrite any policy or policies of insurance, of any kind whatsoever, and of any value, as fully and as completely as they were permitted to do anterior to the Act for the year one thousand eight hundred and fourteen; *Provided*, the said company pay into the treasury of this State the sum of four thousand dollars.

Stock to be
returned

VIII. *And be it further enacted* by the authority aforesaid, That all returns of stock in trade shall have relation to the first day of January in each year, and not to the first day of October, as heretofore.

Defaulting
Tax collectors
to be charged
15 per cent.

IX. *And be it further enacted* by the authority aforesaid, That if any tax collector within this State shall neglect or refuse to make his return and pay the taxes within the time prescribed by law, which had been received by him, it shall be the duty of the treasurer, within whose division such default shall be made, in addition to the coercive power which he now possesses, to charge the said collector with interest at the rate of fifteen per cent per annum, from the time he ought to have made such return and paid the taxes, to the time of such settlement.

Returns
to be made by
the first Mon-
day in June.

X. *And be it further enacted* by the authority aforesaid, That the several tax collectors throughout this State, except the collector for the parish of St. Philip's and St. Michael's, shall make their return and settlement by the first Monday in June in every year.

Comptroller
general not to
draw special
warrants.

XI. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, it shall not be necessary for the comptroller-general to draw any special or general warrant upon the treasurers for any monies which are required by law to be paid out of the treasury, except the appropriations for internal improvements, or such other appropriations as may by the legislature be ordered to be paid under his direction.

Commissioners
of free schools
to draw on the
treasurers.

XII. *And be it further enacted* by the authority aforesaid, That the commissioners of free schools be, and they are hereby, authorized to draw on the treasury of the division in which they reside, for the monies appropriated for free schools, in the same manner as they have been heretofore authorized to draw on the comptroller general: *Provided*, that the said commissioners, in their respective districts and parishes, do make returns agreeable to law, in each year, to the legislature; and if the commissioners of any district or parish shall fail to make such return, the appropriation for such district or parish, for the year for which no return shall be made, shall not be paid by the treasury department, unless such return be submitted to and approved by a subsequent legislature.

XIII. *And be it enacted* by the authority aforesaid, That the treasurer of each division be, and he is hereby, authorized to pay the salaries of the officers resident in his division, the contingent accounts passed against his division, the jurors and constables certificates for attendance on courts within his division; and all other appropriations shall be paid by the treasurer of the upper division, unless otherwise directed by law; and it shall be the duty of each of the said treasurers, whenever they shall make any payment, to take a duplicate receipt, and forward the same to the comptroller-general, with his monthly report.

A. D. 1820.

Salaries, how to be paid.

XIV. *And be it enacted* by the authority aforesaid, That it shall be the duty of the several clerks of the courts in this State, to collect and receive all fines inflicted, and forfeitures incurred, in their respective courts, and to pay the same over to the treasury of the division in which they reside respectively, on or before the first day of October next, and on or before the first day of October in each and every year, and to render an account thereof to the comptroller-general, as heretofore required by law.

Clerks of courts to collect and pay over fines.

XV. *And be it further enacted* by the authority aforesaid, That a further indulgence of one year be granted to the surities of Daniel D'Oyley.

Surities of D. D'Oyley further indulged.

XVI. Whereas, it appear by the report of the commissioners appointed to prefer the claim of this State against the United States, that the same has not yet been passed, and it further appears from the same report, that a considerable time may yet elapse before a final adjustment thereof; and whereas, the legislature, in their estimate of ways and means for the last year, placed amongst the probable receipts of the Treasury, in and of the ordinary revenue of the State, a considerable part of the said claim, which has occasioned a deficit of one hundred and ninety-eight thousand eight hundred and seventy eight dollars and two cents, which, with the probable deficit of the ensuing year, will make an aggregate against the treasury, in favor of the Bank of the State of South Carolina, of— which the interest and prosperity of the Bank may require to be reimbursed; *Be it therefore enacted* by the authority aforesaid, That the President and Directors of the said Bank shall be, and they are hereby, authorized and empowered to sell, for ready money, after due notice given in some of the Gazettes of the city of Charleston, eight hundred thousand dollars of stock of the State, bearing six per cent, at such times and in such sums, and at such places, as they may think advisable; *provided* the same shall not at any time be sold under par.

Six per cent stock to be sold.

XVII. *And be it enacted* by the authority aforesaid, That the treasurer of the lower division, under the direction of the comptroller-general, shall, from time to time, as he may be called upon by the Bank of the State of South Carolina, make out certificates of stock bearing an interest of six per cent, payable quarter yearly, in the names of such persons, and for such sums, as the President and Directors of the said Bank, by resolution of the board thereof, may require, not exceeding in the whole the aforementioned sum of eight hundred thousand dollars.

Certificates of said stock to be made.

XVIII. *And be it enacted* by the authority aforesaid, That the treasurer of the lower division, under the direction of the comptroller-general, shall open a set of books, and shall enter therein, in alphabetical order, the names of all the persons who may become purchasers of the stock hereby created and directed to be issued, and shall conduct the business in the same manner and with the same checks as has been heretofore done in relation to the former stock of the State.

Names of purchasers to be entered in books.

A. D. 1820.

Form of the
certificate of
Stock.

XIX. *And be it enacted* by the authority aforesaid, That the following shall be the form of the certificates of stock hereby authorized to be issued.
STATE OF SOUTH CAROLINA, LOAN OFFICE.

No.—Charleston.

Be it known, that there is due from this State unto———or assigns, the sum of———bearing interest of six per cent per annum from the——day of——1821; payable quarter yearly, and not subject to redemption before the——of——1840, created by virtue of an Act to raise supplies for the year 1820; which debt is transferrable only by the proprietor or proprietors, or their attorneys, in the books of the treasury in Charleston.

———Treas'r.

To be counter-
signed by the
Comptroller-
general

XX. *And be it enacted* by the authority aforesaid, That any certificate of stock issued under the authority of this Act, shall be countersigned by the comptroller-general for the time being.

Said stock,
when redeem-
able.

XXI. *And be it enacted* by the authority aforesaid, That the stock to be issued under the authority of this Act shall not be redeemable by the State before the first day of January 1840; and the faith of the State, and the capital of the Bank of the State of South Carolina, are hereby solemnly pledged for the redemption thereof.

Comptroller to
report the
amount of
stock issued.

XXII. *And be it enacted* by the authority aforesaid, That the comptroller do, and he is hereby required to report to, the legislature, at their next session, the amount of stock which may be issued under this Act.

Said stock may
be purchased
by the bank.

XXIII. *And be it enacted* by the authority aforesaid, That it shall be the duty of the President and directors of the said Bank, and they are hereby required whenever the stock hereby authorized to be issued, shall be upon the market at par, to purchase annually of the said stock a sum not exceeding fifty thousand dollars, and the future annual profits of the said bank is hereby declared to be a fund for that purpose.

Board of Public
Works limited
in their con-
tracts

XXIV. *And be it further enacted* by the authority aforesaid, That the Board of Public Works shall in no case contract for the expenditure of more money than shall be appropriated by the legislature for that year; or make any contract which shall be binding on the State, for more money than the amount of the appropriation for the year for which they are elected.

Security to be
given by tax
collectors.

XXV. *And be it further enacted* by the authority aforesaid, That the tax collectors of the several districts and parishes within this State, as well those elected at the present session of this legislature as those who may be hereafter elected or appointed, shall, before they enter upon the discharge of the duties of their office, give bond, with good and sufficient security, in the sums following, to wit: the tax collectors for the districts of Edgefield, Richland, Abbeville, Kershaw and Fairfield, and for the parishes of Saint John's Colleton, Saint Bartholomews, Saint Peter's and Saint Helena's, the sum of fifteen thousand dollars; and the tax collectors of the districts of Williamsburgh, Pendleton, Barnwell, Darlington, Claremont, Newberry, Laurens, Chester, York, Spartanburgh, the parishes of Saint Paul's, Saint John's Berkley, All Saints, Prince George's Winyaw, the sum of eight thousand dollars, and the tax collectors of all other districts or parishes, the sum of five thousand dollars.

Tax on persons
who sell
Lottery tickets

XXVI. And whereas, the practice, now too much prevailing in this State, of opening lottery offices and vending tickets in foreign lotteries, is highly injurious to the morals of its citizens, and takes from circulation a very large amount of its current money; *Be it therefore enacted* by the authority aforesaid, That a tax of ten thousand dollars be, and the same is hereby, imposed upon every person or persons, who shall, after the passing of this Act, open or keep open any office for the sale of any lottery tickets, or who shall sell within this State any lottery tickets in any other lotteries

than those which are authorized by the laws of this State: and it shall be the duty of the tax collector in the district in which such lottery offices are opened, in default of the person or persons keeping such offices, to return the same, and pay the tax imposed by this law, to issue his execution as in other cases of defaulters.

A.D. 1820.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty, and in the forty-fifth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2248.

I. Be it enacted, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be appropriated for the salaries of the public officers, and other expenses and purposes of government.

For the salary of the Governor, three thousand five hundred dollars.

Appropriations

For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of six Judges of the court of Common Pleas, each three thousand five hundred dollars.

For the salary of one judge of the court of common pleas, two thousand five hundred and seventy-two dollars.

For the salaries of five Judges of the Court of Equity, each three thousand five hundred dollars.

For the salary of the Attorney-General, twelve hundred dollars.

For the salary of the Comptroller-general, and stationary included, two thousand five hundred dollars.

For a clerk to the Comptroller-general, one thousand dollars; which clerk shall be appointed by and removed at the pleasure of the Comptroller-general.

For the salaries of five Circuit Solicitors, in lieu of all charges against the State, for the performance of every public duty appertaining to their respective offices, each seven hundred dollars.

For the salary of the Treasurer in Charleston, for transacting the business of the loan office, and clerks, two thousand six hundred and fifty-eight dollars.

For the salary of the Treasurer in Columbia, including clerks, two thousand dollars.

For the salaries of the Clerks of the Senate and House of Representatives, each twelve hundred and thirty dollars, to be paid at the adjournment of the Legislature.

For a contingent fund, subject to the draft of the Governor, for the expenditure of which he shall submit an annual account to the Legislature, six thousand dollars.

For the Transient Poor, payable to the City Council of Charleston, twelve thousand dollars.

A. D. 1820.

For the City Council of Charleston, to execute the quarantine laws, one thousand dollars.

For the expenses of the Members of the Legislature at the present session, and pay to the Solicitors for their attendance, twenty thousand dollars; if so much be necessary.

For two Doorkeepers of the Legislature, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature.

For two Messengers, each two hundred and fifty dollars, to be paid at the adjournment of the legislature.

For the rent of the Governor's house in Columbia, two hundred and fifty dollars.

For the discharge of the contingent expenses of the lower division, a sum not exceeding six thousand dollars, if so much be necessary.

For the discharge of the contingent expenses of the upper division, a sum not exceeding fifteen thousand dollars, if so much be necessary.

For aid in supporting the transient poor of Georgetown, the sum of seven hundred and sixty four dollars and sixty cents, to be paid to the commissioners of the poor of Prince George Winyaw, to be expended by them for the use of the transient poor; the said commissioners to publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sums laid out for each, as may have been relieved by this fund; and shall return, on oath, an account of such expenditure, to the comptroller-general, to be submitted by him to the legislature.

For the salaries of two tutors in the South Carolina College, each one thousand dollars.

For the Professors of Chemistry, of Logic and Moral Philosophy, of Languages, and of the Mathematics, of the South Carolina College, each the sum of two thousand dollars.

For the President of the South Carolina College, when he may be permanently elected, at the rate of three thousand dollars per annum.

For the Professor of Geology and Mineralogy, one thousand dollars.

For commons and other incidental expenses of one boy in College from the Orphan House, for the ensuing year, to be placed in the hands of William E. Hayne for the use of the said boy, two hundred and sixty dollars.

For the engraving and publishing the map of the State, and for the balance due on contract to E. Paguenaud, for compiling the same, twenty-one thousand dollars, if so much be necessary.

And it shall be the duty of the Board of Public Works, as soon as the said map is engraved and struck off, to reserve, for the use of the State, fifty copies; and after sufficient notice given in one or more of the Gazettes in Charleston, to sell the copy right in the said map to the highest bidder, and to report their proceedings to the Legislature, at the next session.

Copy right of
the map of the
State to be
sold.

For payment of Stephen H. Boykin, for the surveys of Kershaw and Lancaster districts, being the balance due therefor, one thousand eight hundred dollars.

For arranging the records in the office of the Secretary of State and Surveyor-General, in Charleston, in conformity with the report of the commissioners, two thousand dollars.

For arranging the records of the Secretary of State and Surveyor-General's office in Columbia, five hundred dollars.

For John Gordon, for additional work done on the laboratory at Charleston, ninety-eight dollars.

For Henry Lynch, for repairing locks, bolts, &c. on the court-house of Charleston, twelve dollars and twenty-five cents.

For David A. Ring, for glazing, &c. on the court-house in Charleston, fifty-one dollars. A. D. 1820.

For the pay of the magazine guard, to consist of an officer, sergeant and twelve men, to be paid by and under the direction of the comptroller general, four thousand dollars.

For the assessor of the parishes of St. Philip and St. Michael, five hundred dollars.

II. *And be it further enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, directed to cancel the bond of Wm. White, late tax collector for Win yaw district. W. White's bond to be cancelled.

III. *And be it further enacted*, That the comptroller-general be, and is hereby, authorized and directed to extend an indulgence to Adam Caruth, on his bond to the State, for one year, provided the securities of the said Caruth shall consent to such indulgence. A. Caruth further indulged.

IV. *And be it further enacted*, That the comptroller-general be, and he is hereby, authorized and directed to extend an indulgence, for one year, to all the purchasers of lands lately acquired by treaty from the Cherokee nation. Purchasers of Cherokee lands indulged.

V. *And be it further enacted*, That the comptroller-general be, and is hereby, authorized and empowered to refund two-thirds of the tax paid on a lot of land belonging to the minor children of William Hall. A tax to be refunded.

Eighty dollars to purchase a case for the records of the ordinary's office of Georgetown district; the said ordinary to make a report to the comptroller-general, showing the expenditure of the said sum.

VI. *And be it enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized and directed to execute a lease for seven years, to Jesse Nell, of the property now held by the said Jesse Nell, in the suburbs of Charleston, under a contract with the late Mr. Thomas Parker, reserving to the State an annual rent of two hundred and fourteen dollars and twenty-five cents. Certain property to be leased to Jesse Nell.

VII. *And be it enacted* by the authority aforesaid, That the sum of thirty-seven thousand dollars be appropriated for the support of free schools; and that the commissioners of free schools be authorized to draw for the unexpended balance of appropriation heretofore made for the schools in their several districts. Appropriation for free schools, how to be drawn.

For the salary of the Librarian of the South Carolina College, four hundred dollars.

For the Librarian of the Legislature, one hundred dollars.

For claims agreed to by both branches of the Legislature at the present session, twenty thousand dollars, if so much be necessary.

For public buildings, fifty-eighty thousand three hundred and fifty dollars, if so much be necessary.

For pensions agreed to by the Legislature at different times, ten thousand dollars, if so much be necessary.

For internal improvements, two hundred and fifty thousand dollars.

For the Clerk of the Court of Columbia, for attending the Constitutional Court, one hundred and forty dollars.

For the Clerk in Charleston, one hundred and forty dollars.

For the Commissioner in Equity, for attending the Court of Appeals in Columbia, one hundred dollars.

For the Sheriff of Richland district, for attending the Constitutional and Appeal Courts at Columbia, one hundred and fifty dollars.

For the Sheriff of Charleston district, for attending the Constitutional and Appeal Courts in Charleston, one hundred and fifty dollars.

A. D. 1820.

For the keeper of the State House in Columbia, one hundred and thirty dollars.

For the Arsenal keeper in Charleston, six hundred dollars.

For the salary of the Port Physician of Charleston, for boat hire and all other expenses incident to the office, one thousand dollars.

For the arsenal keeper and powder receiver in Camden, three hundred dollars.

For the arsenal keeper at Abbeville, one hundred and fifty dollars. And for the arsenal keepers and powder receivers for Georgetown and Beaufort, each two hundred and fifty dollars.

For the purpose of establishing a magazine guard at Georgetown, two thousand dollars, if, in the opinion of the Governor for the time being, it is expedient to keep munitions of war at that place.

For the purpose of establishing a magazine guard at Beaufort, two thousand dollars, if, in the opinion of the Governor for the time being, it is expedient to keep munitions of war at that place.

For the State Printer, a sum not exceeding two thousand dollars, if so much be necessary.

For the pilot of the bar and harbour of Beaufort and Georgetown, each three hundred and twenty dollars.

For annuities, nine thousand dollars, if so much be necessary.

For a map of Georgetown district, under contract of the Governor, one thousand seven hundred and twenty-two dollars.

Jehu Wilson, under joint resolution, one hundred dollars.

For fifty copies of the Honorable Judge Drayton's memoirs, two hundred dollars.

Thadeus Sobieski, under a joint resolution of the last session, six hundred dollars.

To complete the repairs of Pendleton court-house, one hundred dollars.

Joseph Shanklin, for a lot of land in Pendleton, three hundred dollars.

For a guard in Camden, to consist of an officer, sergeant and ten men, two thousand four hundred dollars.

Dennis Smith, sheriff of Williamsburgh district, for carrying a prisoner from that gaol to the gaol in York district, one hundred and sixty-nine dollars and twenty-eight cents.

Gordon Moore, surveyor of York district, one hundred and seventy dollars.

Nathan Lusk, for pension from 1779 to 1795, three hundred and forty-two dollars seventy-two cents.

Gilbert Davidson, executor of Christopher Williman, deceased, a sum not exceeding four thousand seven hundred and fifty-one dollars thirty-five cents, to be ascertained by the comptroller-general.

Benjamin A. Markley, quarter-master general, five hundred dollars.

For Major John Thompson Green, for pay during the revolutionary war, thirteen hundred and sixty-eight dollars.

VIII. *And be it further enacted*, That the comptroller-general be, and he is hereby, authorized and required annually to insure against fire the college buildings at Columbia.

IX. *And be it further enacted*, That the sum of three hundred and four dollars and fifteen cents be appropriated for supplies furnished the militia during the late war, by James Dupuis.

X. *And be it enacted* by the authority aforesaid, That it shall be the duty of the treasurer of the lower division to call upon the debtors to the paper medium loan office, to pay one fourth of the debts due by them, with all the interest thereon, and to take all such steps to enforce payment

College buildings to be insured.

Loan Office debt, one-fourth called in.

thereof as are pointed out by the "Act to establish a medium of circulation, by way of loan, and to secure its credit and utility," passed 12th day of October, one thousand seven hundred and eighty-five. A. D. 1820.

For the comptroller-general, for examining the accounts and vouchers of the Board of Public Works, and performing the other duties prescribed by the resolution relating to this subject, three hundred dollars.

For D. H. Tillinghast, under a resolution of both branches of the Legislature, subject to the order of the commissioners appointed by the said resolution, four thousand three hundred and sixty-eight dollars thirty-seven cents.

For the repairs of the comptroller-general's office, at Columbia, one hundred dollars.

XI. *And be it further enacted* by the authority aforesaid, That the sum of two thousand dollars, if so much be necessary, be, and the same is hereby, appropriated for making a new index of the judgments in the court of common pleas for Charleston district. Appropriation for a new index to judgments in Charleston.

Also, for Daniel Faust, the sum of six hundred dollars, for publishing a volume of reports of the constitutional court.

XII. *And be it enacted* by the authority aforesaid, That the tax collector for the parishes of St. Philip's and St. Michael's, shall (in lieu of five thousand dollars security as directed by the Act to raise supplies,) give the same security as heretofore provided by law. Security to be given by the tax collector in Charleston.

XIII. *And be it further enacted* by the authority aforesaid, That the sum of fifty dollars be appropriated to Meshack Chandler, for services rendered a transient pauper.

XIV. Whereas, the arms in the arsenal in Camden require cleaning, and the arsenal and magazine the protection of two lightning rods: therefore, *Be it enacted*, That the sum of seventy dollars, if so much be necessary, be appropriated therefor, and that the keeper for the magazine and arsenal be authorized to draw on the treasurer of the upper division for the same. Public arms in Camden to be cleaned.

XV. *And be it further enacted* by the authority aforesaid, That a sum not exceeding one hundred and fifty dollars, be, and the same is hereby, appropriated for the payment of a clock purchased for the use of the Legislature, and to be subject to the draft of Gursham Chapman, keeper of the State House; he to account to the Legislature, at its next session, for the expenditure thereof.

For the Adjutant and Inspector General, two thousand dollars.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty, and in the forty-fifth year of the Sovereignty and Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT to prolong the sittings of the Courts of Common Pleas and General Sessions for the districts of Richland and Lexington, and to fix the time for holding the Court of Equity for the Equity district of Columbia; and for other purposes therein mentioned. No. 2249.

(Passed December 20, 1821. See last volume.)

A. D. 1821.

No. 2250. AN ACT respecting the Master and Commissioners in Equity; and for other purposes.

(Passed December 20, 1821. *See last volume.*)

No. 2251. AN ACT TO INCREASE THE PUNISHMENT INFLICTED ON PERSONS CONVICTED OF MURDERING ANY SLAVE; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Murder of a
slave.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person, from and after the passing of this Act, shall wilfully, maliciously, and deliberately murder any slave within this State, such person, on conviction, shall suffer death without the benefit of clergy.

II. *And be it further enacted* by the authority aforesaid, That if any person shall kill any slave on sudden heat and passion, such person, on conviction, shall be fined in a sum not exceeding five hundred dollars, and be imprisoned not exceeding six months.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-one, and in the forty-sixth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2252. AN ACT to establish a Court of Equity in Lancaster and Greenville districts; and for other purposes therein mentioned.

(Passed December 20, 1821. *See last volume.*)

No. 2253. AN ACT to alter the Middle Circuit, so as to allow two weeks for the sittings of the Courts of Fairfield and Union.

(Passed December 20, 1821. *See last volume.*)

No. 2254. AN ACT to provide more effectually against the offence of harboring Negro or other Slaves.

(Passed December 20, 1821. *See last volume.*)

A. D. 1821.

AN ACT TO ESTABLISH AN INSPECTION AND WARE-HOUSE AT HAMBURG, No. 2255.
IN EDGEFIELD DISTRICT.

WHEREAS, application has been made by Henry Shultz, praying that an inspection for tobacco might be erected and established at Hamburg, in Edgefield district : Preamble.

I. *Be it enacted*, That an inspection and ware-house, for the inspection and reception of tobacco, shall be established and erected at Hamburg, in Edgefield district, as soon as conveniently may be after the passing of this Act ; which shall be subject to all regulations, restrictions and conditions, mentioned, set forth and expressed in and by an Act of the Legislature entitled "An Act for regulating the inspection and exportation of tobacco," passed the thirteenth day of March, one thousand seven hundred and eighty-nine. Tobacco In-
spection estab-
lished at
Hamburg.

II. *Be it enacted* by the authority aforesaid, That Christian Brighthaupt, John Torrence, Benjamin Hightower, sen., John Wise and G. O. Wilkin- Commissioners
appointed. son, are hereby appointed commissioners for such inspection and ware-house ; and that the said commissioners, or a majority of them, shall be, and they are hereby, empowered to choose an inspector or inspectors for said ware-house, and to make such regulations respecting the inspection of tobacco, as they shall think fit.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-one, and in the forty-sixth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO GIVE THE COMMISSIONERS OF THE POOR OF PENDLETON, No. 2256.

KERSHAW, LANCASTER AND GEORGETOWN DISTRICTS, THE POWER TO PURCHASE LAND AND BUILD POOR HOUSES THEREON, FOR THE MAINTENANCE AND SUPPORT OF THE POOR OF THE SAID DISTRICTS ; AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the commissioners of the poor for Pendleton district shall be, and they are hereby, authorized and empowered, out of the monies collected for the poor tax of the said district, to purchase land, (provided the quantity do not exceed four hundred acres,) and to build thereon huts and houses, for the comfort and accommodation of the poor of the said district. Poor House for
Pendleton.

II. *And be it further enacted* by the authority aforesaid, That the commissioners of the poor of Pendleton district shall have power and authority to appoint an overseer of the said poor, who shall continue in office at the pleasure of the said commissioners, whose duty shall be prescribed to him, and whose salary shall be given him, by the said commissioners. Overseer.

III. *And be it further enacted* by the authority aforesaid, That the said

A. D. 1821.
 Provision and clothing. commissioners of the poor be authorized and empowered, out of the monies arising from the poor tax of Pendleton district, to purchase provisions and clothing for the maintenance and comfort of the poor of the said district.

To labour. IV. *And be it further enacted* by the authority aforesaid, That the aforesaid commissioners shall have power and authority to impose on such of the poor as are benefited and relieved by the poor tax of the said district, such reasonable labor as they may judge proper and necessary to be performed, towards their own support.

Commissioners to make return. V. *And be it further enacted* by the authority aforesaid, That the commissioners aforesaid be required to make an annual return, on oath, to the comptroller-general, to be by him submitted to the Legislature, of the amount of monies received, and the amount and manner of its expenditure, together with the number and names of the persons relieved and supported.

Annual appropriation. VI. *And be it further enacted* by the authority aforesaid, That the commissioners of the poor for the district of Pendleton aforesaid shall have power and authority, as heretofore, to make appropriations for the annual support of such of the poor of the said district as the said commissioners in their discretion may think proper to board out with their relations and friends.

Other districts. VII. *Be it enacted* by the honorable the Senate and House of Representatives, That each board of the commissioners of the poor in the districts of Kershaw, Lancaster and Georgetown, be authorized to build a poor house, or houses, for the poor of their several districts, and to support them therein; and to make such other and further provision for their comfortable and economical support and maintenance, as they, in their discretion, shall see fit.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-one, and in the forty-sixth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2257. AN ACT TO PREVENT FRAUDULENT CONFESSIONS OF JUDGMENTS, AND TO FACILITATE THE CONFESSION OF JUDGMENT BY THE CONSENT OF PARTIES.

Preamble. WHEREAS, many evil disposed debtors, in order to defraud their just creditors, do confess judgment on some feigned evidence of debt, whereby honest and just creditors are defrauded; and whereas, honest debtors are often deterred from confessing judgment for their just debts, because the cost on such confession is almost equal to the cost of obtaining judgment without confession: For remedy whereof,

Judgments may be confessed before clerk. I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That, from and after the passing of this Act, it shall be lawful for any debtor, in the presence of, and with the consent of, his creditor, or his or her agent, to go before the clerk of the court of sessions and common pleas, of any district in this State, in which such debtor usually

resides, and confess a judgment on any bond, note or book account, under the conditions and regulations hereinafter prescribed.

A. D. 1821.

II. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the said clerk, on the application of any debtor and creditor to confess any judgment, on the production of the evidence of the debt, and the creditor's swearing that such debt is fairly and bona fide due, and that such confession is not for the purpose of defrauding the just creditors of the said debtor, to transcribe in a book, to be kept by him for that purpose, the note, bond or account, and file the original; in which book he shall cause to be written, under the copy of such note, bond or account, a confession to the following effect, to wit:

STATE OF SOUTH CAROLINA, }
District. }

To all persons whom it may concern.

I, A B, do hereby confess, that I am fully indebted to C D the sum of — dollars, being the amount of the bond, note or account above transcribed, and interest thereon, (if any.)

Given under my hand, the — day of —, in the year of our Lord, one thousand eight hundred and —.

(Signed)

A. B.

In the presence of

E. F, C. C. C. Pls.

Which confession, from the date thereof, shall create a lien upon the lands and tenements of such debtor, and as against subsequent purchasers and judgment creditors, shall bear date from the day of signing as aforesaid.

III. *And be it further enacted*, That it shall be lawful for the said clerk, or any attorney of the said court, to issue an execution against the property or body of such confessing debtor, as if such judgment was founded on any verdict or decree rendered in open court, and in like manner shall bind the goods and chattels of the defendant.

Execution.

IV. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the judges of the court of common pleas, to cause the record of all judgments entered as aforesaid, to be read from the said book by the clerk of the said court, on the first day of the next succeeding term, for the greater publicity thereof; and it shall be lawful for any person who may be aggrieved by the said confession of judgment, to file a suggestion in the said court at any time, setting forth that such confession is fraudulent, and not founded on bona fide consideration; and an issue shall be made up on the said suggestion, and the same shall be tried by a jury; and should the jury by their verdict find the said confession to be fraudulent, the judge shall order the said confession to be set aside.

To be read in open Court.

Validity tried by suggestion.

V. *And be it further enacted*, That the following, and no other, fees shall be charged on any judgment so confessed as aforesaid: To the attorney or clerk, for issuing the execution, the same fees which are now allowed by law; to the clerk, for all other services in relation to the said confessed judgment, if the same be for less than fifty dollars, one dollar; if more than fifty dollars, two dollars.

Fees.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-one, and in the forty-sixth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

VOL. VI.—21.

A. D. 1821.

No. 2258. AN ACT TO LIMIT THE NUMBER OF JUSTICES OF THE QUORUM AND OF THE PEACE, IN THE DIFFERENT PARISHES, COUNTIES AND DISTRICTS WITHIN THIS STATE.

Number of Ma-
gistrates for
each district
regulated.

I. Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That there shall not, at any time after the passing of this Act, be appointed to any parish or county or district hereinafter mentioned, any greater number of justices of the quorum or of the peace than is herein particularly specified; that is to say :

For the parishes of Saint Philip and Saint Michael, twenty-eight justices of the quorum and forty justices of the peace.

For All Saints, ten justices of the quorum and eight justices of the peace.

For Christ Church, five justices of the quorum and five justices of the peace.

For Saint Bartholomews, nine justices of the quorum and sixteen justices of the peace.

For Saint Helena, eleven justices of the peace and eight justices of the quorum.

For the district of Horry, eight justices of the quorum and ten justices of the peace.

For the parish of Saint George's Dorchester, nine justices of the quorum and eight justices of the peace.

For St. John's Colleton, eight justices of the quorum and seven justices of the peace.

For St. James Goose Creek, seven justices of the quorum and twelve justices of the peace.

For St. John's Berkley, six justices of the quorum and eight justices of the peace.

For St. James Santee, six justices of the quorum and seven justices of the peace.

For St. Lukes, six justices of the quorum and nine justices of the peace.

For the district of Marion, thirteen justices of the quorum and eleven justices of the peace.

For St. Peter's parish, six justices of the quorum and ten justices of the peace.

For St. Stephen's, three justices of the quorum and three justices of the peace.

For St. Paul's, three justices of the quorum and nine justices of the peace.

For Prince George Winyaw, thirteen justices of the quorum and fifteen justices of the peace.

For Williamsburgh district, sixteen justices of the quorum and fifteen justices of the peace.

For the parish of Prince William, ten justices of the quorum and six justices of the peace.

For St. Mathew's, eight justices of the quorum and five justices of the peace.

For St. Thomas and St. Dennis, three justices of the quorum and three justices of the peace.

For the district of Abbeville, twenty-three justices of the quorum and twenty-seven justices of the peace. A. D. 1821.

For the district of Barnwell, twenty-three justices of the quorum and twenty-three justices of the peace.

For the district of Chesterfield, five justices of the quorum and fifteen justices of the peace.

For the county of Clarendon, ten justices of the quorum and seventeen justices of the peace.

For the county of Claremont, ten justices of the quorum and fifteen justices of the peace.

For the district of Chester, fourteen justices of the quorum and twenty-four justices of the peace.

For the district of Darlington, nine justices of the quorum and sixteen justices of the peace.

For the district of Edgefield, twenty-seven justices of the quorum and thirty-three justices of the peace.

For the district of Fairfield, twelve justices of the quorum and twenty-four justices of the peace.

For the district of Greenville, seventeen justices of the quorum and twenty-nine justices of the peace.

For the district of Kershaw, seven justices of the quorum and twenty-three justices of the peace.

For the district of Lexington, eight justices of the quorum and sixteen justices of the peace.

For the district of Lancaster, nine justices of the quorum and eighteen justices of the peace.

For the district of Laurens, fourteen justices of the quorum and thirty-one justices of the peace.

For the district of Marlborough, eight justices of the quorum and thirteen justices of the peace.

For the district of Newberry, twelve justices of the quorum and twenty-two justices of the peace.

For Pendleton district, twenty-three justices of the quorum and forty-six justices of the peace.

For Orange parish, ten justices of the quorum and fifteen justices of the peace.

For the district of Richland, ten justices of the quorum and fifteen justices of the peace.

For the district of Spartanburgh, seventeen justices of the quorum and twenty-eight justices of the peace.

For the County of Salem, twelve justices of the peace and eight justices of the quorum.

For the district of Union, fifteen justices of the quorum and twenty-five justices of the peace.

For the district of York, fourteen justices of the quorum and twenty-five justices of the peace.

II. *And be it further enacted* by the authority aforesaid, That all Acts or parts of Acts repugnant to the provisions of this Act, be, and the same are, repealed. Repealing clause.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-one, and in the forty-sixth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

A. D. 1821.

No. 2259.

AN ACT TO REGULATE THE APPOINTMENT OF CORONERS.

By joint resolution.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever any vacancy shall happen in the office of Coroner, for any of the circuit court districts of this State, the same shall be filled by a joint resolution of the Senate and House of Representatives, in the same manner as justices of the peace and quorum are now appointed.

Governor to appoint in vacancies.

II. *And be it further enacted* by the authority aforesaid, That whenever any vacancy shall occur in the said office, by death, resignation or otherwise, during the recess of the Legislature, the same shall be filled by the appointment of the Governor and commander-in-chief; which appointment shall continue until the end of the next session of the Legislature, and until a successor shall be appointed.

Bond

III. *And be it further enacted* by the authority aforesaid, That every Coroner hereafter appointed, shall, before entering upon the duties of his office, give bond with sufficient security to the State of South Carolina, in the sum of two thousand dollars, except the Coroner of Charleston district, who shall give bond in three thousand dollars, for the faithful discharge of the duties of his office, which bond shall be lodged, after being approved of as sheriffs bonds are, in the office of the Treasurer of the upper or lower dision.

To hold office for four years.

IV. *And be it further enacted* by the authority aforesaid, That all Coroners appointed by the Legislature shall continue in office for four years, and until a successor shall be appointed and enter upon the duties of his office.

Commission.

V. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the Governor, whenever any person appointed to the office of Coroner shall have given bond as herein before directed, to commission such person according to the provisions of this Act.

No Coroner to hold office under the Sheriff.

VI. *And be it further enacted* by the authority aforesaid, That no Coroner shall hereafter act as gaoler, deputy sheriff, or hold any appointment under the sheriff of the district; and in case any Coroner shall accept of any appointment from the sheriff of his district, his office of Coroner shall be vacated, and the Governor may fill the vacancy upon application, and the appointment so made by the executive shall continue in force until another appointment shall be made by the legislature.

May commit to gaol.

VII. *Be it further enacted*, That the several Coroners shall have the power to commit prisoners in their custody to the common gaols of the several districts respectively, and all power necessary to carry this provision into effect, is hereby given to the said Coroners.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-one, and in the forty-sixth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

A. D. 1821.

AN ACT TO PROVIDE A SINKING FUND FOR THE REDEMPTION OF THE No. 2260.
SIX PER CENT STOCK OF THIS STATE.

WHEREAS, it is necessary to create a permanent fund for the redemption of the six per cent stock of the State.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, it shall be the duty of the President and Directors of the Bank of the State of South Carolina, to cause to be opened in the books of the said Bank, an account in which they shall debit themselves with the profits of the Bank, for the year ending the first day of October, in the year of our Lord one thousand eight hundred and twenty-two, and with all the future profits of the said Bank, as the same shall hereafter be annually declared; which said fund, with its annual accumulations, shall be considered solemnly pledged and set apart for the payment of the quarterly interest on the said six per cent stock, and the final redemption thereof: and it shall be the duty of the President and Directors of the said Bank annually to report, to both branches of the legislature, the exact state of that fund.

II. *And be it enacted* by the authority aforesaid, That all checks drawn by the treasurer of the lower division, on account of the interest on the six per cent stock of this State, shall specify that it is for such interest, and shall be charged to the said fund.

III. *And be it enacted* by the authority aforesaid, That the fund hereby created shall not be considered a part of the capital of the said Bank, but shall be banked upon and employed like the capital of the said Bank: and it shall be the duty of the President and Directors of the said Bank, at any time when the stock hereby intended to be provided for and redeemed, shall be at par in the market, to redeem as much thereof as the fund hereby created shall at such time enable them to do.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-one, and in the forty-sixth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT to incorporate certain Societies.
(Passed December 20, 1821. *See last volume.*)

No. 2261.

AN ACT to relieve the inhabitants of certain Islands on the Sea coast, from the operation of the road law in certain particulars.

(Passed December 20, 1821. *See last volume.*)

No. 2262.

A. D. 1821.

No. 2263. AN ACT TO RELEASE TO CLEMENT W. STEVENS ALL THE ESTATE, RIGHT AND TITLE, OF THE STATE OF SOUTH CAROLINA, IN THE LANDS WHEREOF HIS FATHER, JOHN STEVENS, A SUBJECT OF THE KING OF GREAT BRITAIN, WAS POSSESSED IN THIS STATE.

Preamble.

WHEREAS, John Stevens, a subject of the King of Great Britain, was in his life-time seized and possessed of certain lands in South Carolina, and being so seized and possessed died in the Island of Jamaica, and, by his last will and testament, devised the said lands to his son, Clement W. Stevens, a citizen of the United States, and to certain other persons who are aliens, whereby a title hath accrued to the State of South Carolina, in and to the said lands, or to certain parts thereof: and whereas, the city council of Charleston have by their memorial signified their desire to relinquish, in favor of the said Clement W. Stevens, their right to said escheated property.

Right of the
State to certain
lands released
to Clement W.
Stevens.

1. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by and with the authority of the same, That all the estate, right and title which the State of South Carolina and the City Council of Charleston may have, or challenge in or to all or any part of the lands, tenements and hereditaments, whereof the said John Stevens was in his life-time, and at the time of his death, seized and possessed in this State, be, and the same is hereby, granted and released to the said Clement W. Stevens: *and it is hereby provided*, That the said property, so released to the said Clement W. Stevens, shall not be regarded in the computation of the sum of fifty thousand dollars, secured to the orphan-house in all cases of escheat, within the parishes of St. Michael and St. Philip.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-one, and in the forty sixth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOALE, *Speaker of the House of Representatives.*

No. 2264. AN ACT to incorporate the South Carolina Academy of Fine Arts.

(Passed December 20, 1821. *See last volume.*)

No. 2265. AN ACT to amend the Charter of the John's Island Society.

(Passed December 20, 1821. *See last volume.*)

No. 2266. AN ACT to invest the City Council of Charleston with power to grant Licenses to retail grocers, and persons retailing on the wharves of Charleston.

(Passed December 20, 1821. *See last volume.*)

A. D. 1821.


AN ACT TO POSTPONE THE ELECTION OF MEMBERS OF CONGRESS TO
REPRESENT THIS STATE IN THE EIGHTEENTH CONGRESS OF THE
UNITED STATES. No. 2267.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the election now required by law to be held on the second Monday and Tuesday of October next, for members to represent this State in the eighteenth Congress of the United States, be, and the same is hereby postponed; and the managers of elections for the same are hereby, required and directed not to open polls for members of the said Congress, at the times and places now appointed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-one, and in the forty-sixth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE RICHARD HENRY WILDE, ROBERT R. REID, No. 2268.
AND OTHERS, TO PRACTICE IN THE COURTS OF LAW AND EQUITY IN
THIS STATE.

WHEREAS, by a clause of an Act entitled "An Act to alter and amend the several Acts for establishing and regulating circuit courts throughout this State," passed the twenty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two, it is enacted, that no person hereafter shall be permitted to practice as an attorney or solicitor in any of the courts of this State, whose known and established residence shall not be within the same; and whereas, Richard Henry Wilde, Robert R. Reid, and others, of the city of Augusta, in the State of Georgia, from the contiguity of their residence to this State are desirous to practice law in the courts of the same:

I. *Be it therefore enacted* by the honorable the Senate and house of Representatives, now met and sitting in general assembly, and by the authority of the same, That the said Richard Henry Wilde, Robert R. Reid, Robert M. Garvin, James Watkins, jr., Freeman Walker, Robert Walker, Thomas Glascock and John W. Bird, be, and they are hereby, authorized to practice in the courts of law and equity in this State; any thing in the before recited clause to the contrary notwithstanding; provided they apply to the constitutional court, and be examined and admitted by the judges, if they think proper.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-one, and in the forty-sixth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

A. D. 1821.

No. 2269. AN ACT TO AUTHORIZE THE ERECTION OF SUITABLE BUILDINGS FOR A LUNATIC ASYLUM, AND A SCHOOL FOR THE DEAF AND DUMB.

Preamble.

WHEREAS, the benevolent purposes of society require, on the part of the State, a public institution for the reception and cure of lunatics, for the instruction of the deaf and dumb, and for the maintenance of the poor and destitute of either class :

Commissioners
appointed to
choose place
and erect.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and it is hereby enacted by the authority of the same, That his Excellency the Governor, for the time being, his Honor the Intendant of the city of Charleston, for the time being, John L. Wilson, Dr. James Davis, Dr. Edward Fisher, and Thomas Taylor, junior, be, and they are hereby appointed, commissioners on the part and in behalf of the State, with authority to select, contract for, and purchase a suitable site or sites, at or near Columbia, for the establishment of a lunatic asylum, and a school for the deaf and dumb; that they be, and they are hereby, authorized and empowered to draw out of the treasury of this State the sum of thirty thousand dollars, if so much be necessary, to be appropriated to the purpose of purchasing such site or sites, and erecting a building of brick or stone, and covered with tile or slate, suitable for the purposes of a lunatic assylum, and another building of brick or stone, suitable for the purposes of a school, wherein the deaf and dumb may be instructed.

Trustees.

II. *And be it further enacted* by the authority aforesaid, That the said buildings, when completed, shall be applied, under the authority of the State, to the purposes herein before mentioned; and that the Legislature do, at their next session, and at each biennial session thereafter, elect by ballot, seven trustees, who shall superintend the public institutions hereby intended to be established.

Commissioners
to report.

III. *And be it further enacted*, That the commissioners herein named be, and they are hereby, requested to procure the best information in their power, on the organization and government of a lunatic asylum, and a school for the deaf and dumb, and that they do report the result of their enquiries, with their proceedings, to the Legislature, at its session in December next.

Commissioners
of poor to re-
port number of
Lunatics.

IV. *And be it further enacted* by the authority aforesaid, That the chairman of the commissioners of the poor of the several districts of this State, do report, as early as the information can be obtained, to his Excellency the Governor for the time being, the number of lunatics and deaf and dumb persons within their several districts and parishes, and the ages of such lunatics and deaf and dumb persons.

Public Act.

V. *And be it further enacted* by the authority aforesaid, That this Act shall be deemed a public Act, and as such, shall be judicially taken notice of without special pleading, in all the courts of law and equity within this State.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-one, and in the forty-sixth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

A. D. 1821.

AN ACT TO VEST IN ELIZABETH WEAVER CERTAIN ESCHEATED
PROPERTY.

No. 2270.

WHEREAS, it is represented to the Legislature, that Dempsey Weaver, late of Edgefield district, died intestate, without issue or heritable blood, leaving a widow, Elizabeth Weaver, who is intitled to two thirds of his estate, and the title to the remaining one third part thereof has accrued to the State by escheat; and the said Elizabeth Weaver has besought the State to grant the same to her, as a proper object of the bounty often exercised in such case:

Preamble.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by and with the authority of the same, That all the right, title and interest which has accrued to the State by escheat, in and to the estate, real and personal, of which the said Dempsey Weaver was in his life time seized and possessed, be, and the same is hereby, transferred and assigned to the said Elizabeth Weaver, her heirs and assigns, forever.

Certain lands vested in Elizabeth Weaver.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty one, and in the forty-sixth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT authorizing another Regiment of Militia to be raised and organized in the district of Barnwell; and for other purposes. No. 2271.

(Passed December 20, 1821. *See last volume.*)

AN ACT to establish certain Roads, Bridges and Ferries.

No. 2272.

(Passed December 20, 1821. *See last volume.*)

An ACT to increase the jurisdiction of the City Court of Charleston. No. 2273.

(Passed December 20, 1821. *See last volume.*)

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to the treasurers of the division in which they reside respectively, on or before the first day of October next, and on or before the first day of October in each and every year, and to render an account to the comptroller-general, as heretofore required by law.

Tax on persons
who sell
Lottery tickets

XV. *And be it further enacted*, That a tax of ten thousand dollars be, and the same is hereby, imposed upon every person or persons who shall, after the passing of this Act, open or keep open any office for the sale of lottery tickets, or who shall sell within this State any lottery tickets in any other lotteries than those which are authorized by this State. And it shall be the duty of the tax collector, in the district in which such lottery offices shall be opened, in default of such person or persons keeping such offices to return the same and pay the tax imposed by this law, to issue his execution as in other cases of defaulters.

Security to be
given by tax
collectors.

XVI. *And be it further enacted* by the authority aforesaid, That the tax collectors of the several districts and parishes within this State, as well those elected at the present session of this legislature as those who may be hereafter elected or appointed, shall, before they enter upon the discharge of the duties of their office, give bond, with good and sufficient security, in the sums following, to wit: the tax collectors for the districts of Edgefield, Richland, Abbeville, Kershaw, Fairfield, Saint John's Colleton, Saint Bartholomews and Saint Helena, the sum of fifteen thousand dollars; and the tax collectors for the districts of Williamsburgh, Pendleton, Barnwell, Darlington, Claremont, Newberry, Laurens, Chester, York, Spartanburgh, the parishes of Saint Paul's, Saint John's Berkley, Saint Peter's and Saint Luke's, All Saints, Prince George Winyaw, the sum of eight thousand dollars; the tax collectors of all other districts or parishes, the sum of five thousand dollars; excepting the bond to be given by the tax collectors of Charleston district, which shall be in the sum of sixty thousand dollars.

Board of Public Works limited in their contracts.

XVII. *And be it further enacted* by the authority aforesaid, That the Board of Public Works shall in no case contract for the expenditure of more money than shall be appropriated by the legislature for that year; or make any contract which shall be binding on the State, for more money than the amount of the appropriation for the year for which they are elected.

Hamburg exempt from tax for 5 years.

XVIII. *And be it further enacted*, That all lots of land, negro slaves, stock in trade, and all other taxable property, within the town of Hamburg, in this State, be, and the same are hereby, exempted, for and during the term of five years, from the payment of all taxes imposed by this Act, or by any other Act to be imposed for and during the said term: Any thing in this Act or any other Act, law, usage or custom, to the contrary notwithstanding.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-one, and in the forty-sixth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

A. D. 1821.

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY-ONE; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2275.

I. Be it enacted, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be appropriated for the salaries of the public officers, and other expenses and purposes of government.

For the salary of the Governor, three thousand five hundred dollars. Appropriations

For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of six Judges of the court of Common Pleas, each three thousand five hundred dollars.

For the salary of one judge of the court of common pleas, two thousand five hundred and seventy-two dollars.

For the salaries of five Judges of the Court of Equity, each three thousand five hundred dollars.

For the salary of the Attorney-General, twelve hundred dollars.

For the salary of the Comptroller-general, stationary included, two thousand five hundred dollars.

For a clerk to the Comptroller-general, one thousand dollars; which clerk shall be appointed by and removed at the pleasure of the Comptroller-general.

For the salaries of five Circuit Solicitors, in lieu of all charges against the State, for the performance of every duty appertaining to their respective offices, each seven hundred dollars.

For the salary of the Treasurer in Charleston, for transacting the business of the loan office, and six per cent. stock of the State, and clerks, three thousand dollars.

For the salary of the Treasurer in Columbia, including clerks, two thousand dollars.

For the salaries of the Clerks of the Senate and House of Representatives, each twelve hundred and thirty dollars, to be paid at the adjournment of the Legislature.

For a contingent fund, subject to the draft of the Governor, for the expenditure of which he shall submit an annual account to the Legislature, six thousand dollars.

For the Transient Poor, payable to the City Council of Charleston, twelve thousand dollars.

For sums advanced by the City Council of Charleston, during the past year, for the transient poor, three thousand dollars.

For the City Council of Charleston, to execute the quarantine laws, one thousand dollars.

For the expenses of the Members of the Legislature at the present session, and pay to the Solicitors for their attendance, twenty thousand dollars; if so much be necessary.

For two Doorkeepers of the Legislature, at the present session, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature.

For two Messengers, each two hundred and fifty dollars, to be paid at the adjournment of the legislature.

For the rent of the Governor's house in Columbia, two hundred and fifty dollars.

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For the discharge of the contingent expenses of the lower division, a sum not exceeding six thousand dollars, if so much be necessary.

For the discharge of the contingent expenses of the upper division, a sum not exceeding fifteen thousand dollars, if so much be necessary.

For aid in supporting the transient poor of Georgetown, the sum of eight hundred dollars; to be paid to the commissioners of the poor of Prince George Winyaw, to be expended by them for the support of the transient poor; the said commissioners to publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sums laid out for each, as may have been relieved by this fund; and shall return, on oath, an account of such expenditure, to the comptroller-general, to be submitted by him to the legislature.

For the salaries of two tutors in the South Carolina College, each one thousand dollars.

For the Professors of Chemistry, of Logic and Moral Philosophy, of Languages, and of the Mathematics, of the South Carolina College, each the sum of two thousand dollars.

For the salary of the President of the South Carolina College, three thousand dollars.

For the Professor of Geology and Mineralogy, one thousand dollars.

For the commons and other incidental expenses of one student in College from the Orphan House, for the ensuing year, to be placed in the hands of William E. Hayne for the use of the said student, two hundred and sixty dollars.

For the pay of the magazine guard, to consist of an officer, sergeant and twelve men, to be paid by and under the control of the comptroller-general, four thousand dollars.

For the assessor of the parishes of St. Philip and St. Michael, eight hundred dollars.

Appropriation
for free schools,
how to be
drawn.

II. *And be it further enacted* by the authority aforesaid, That the sum of thirty-seven thousand dollars be appropriated for the support of free schools; and that the commissioners of free schools be authorized to draw for the unexpended balance of appropriation heretofore made for the schools in their several districts.

For the salary of the Librarian of the South Carolina College, four hundred dollars.

For the Librarian of the Legislature, one hundred dollars.

For claims agreed to by both branches of the Legislature at the present session, twenty thousand dollars, if so much be necessary.

For public buildings, twenty thousand dollars, if so much be necessary.

For the erection of suitable buildings for the Lunatic Asylum and a School for the deaf and dumb, thirty thousand dollars, if so much be necessary.

For pensions agreed to by the Legislature at different times, twelve thousand dollars, if so much be necessary.

For internal improvement, two hundred and fifty thousand dollars.

For the Clerk of the Court of Columbia, for attending the Constitutional Court, one hundred and forty dollars.

For the Clerk in Charleston, one hundred and fifty dollars.

For the Commissioner in Equity, for attending the Court of Appeals in Columbia, one hundred dollars.

For the Sheriff of Richland district, for attending the Constitutional and Appeal Courts at Columbia, one hundred and fifty dollars.

For the Sheriff of Charleston district, for attending the Constitutional and Appeal Courts in Charleston, one hundred and fifty dollars.

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For the keeper of the State House in Columbia, one hundred and thirty dollars.

For the Arsenal keeper in Charleston, six hundred dollars.

For the salary of the Port Physician of Charleston, for boat hire and all other expenses incident to the office, one thousand dollars.

For the arsenal keeper and powder receiver in Camden, three hundred dollars.

For the arsenal keeper in Abbeville, one hundred and fifty dollars.

For the arsenal keepers and powder receivers for Georgetown and Beaufort, each two hundred and fifty dollars.

For the pilot of the bar and harbour of Beaufort and Georgetown, each three hundred and twenty dollars.

For annuities, nine thousand dollars, if so much be necessary.

For the Adjutant and Inspector General, two thousand dollars.

For the Comptroller-general, for examining the accounts and vouchers of the Board of Public Works, and performing the other duties prescribed by the resolution relating to the subject, three hundred dollars.

Jennings O'Bannon, commissioner in equity for Barnwell district, for two cases procured for the use of his office, forty six dollars.

John W. Jennerett, for the amount expended by him in rebuilding the chimney of the gaol in Georgetown, thirty dollars.

Daniel Faust, for printing for the Senate and the Acts of Assembly, one thousand one hundred and fifty dollars.

Daniel Faust, for extra printing for the two houses, three hundred and fifty dollars.

William Cline, for printing for the House of Representatives, seven hundred dollars.

III. *And be it further enacted*, That fifty thousand dollars be, and the same is hereby, appropriated to loan to Henry Shultz, on his complying with the conditions contained in a report of the joint committee of the Legislature, at the present session. Loan to Henry Shultz.

For D. H. Tillinghast, under a resolution of both branches of the Legislature, subject to the order of the commissioners appointed by the said resolution, five thousand four hundred and one dollars ninety-two cents, to be paid whenever the said commissioners, or any one of them, shall be satisfied that the whole number of plats are accurately copied, first deducting from the above sum the expense attending the examination thereof, which is to be done at the cost of the said D. H. Tillinghast.

Lyon Levy, for extra services performed by him in opening the books of the six per cent. stock, and attending to the transfers of the same, five hundred dollars.

Richard Tarrant, sheriff of Pendleton district, for improvements made by him on the gaol lot, fifty dollars and fifty cents.

Thomas Hancock, for services as a juror at Union court, six dollars.

George Grace, in addition to the amount of his contract for building Pendleton gaol, fifteen hundred dollars.

For a Pest House, at the mouth of Port Royal Harbour, four hundred dollars; the same to be under the direction of the town council of Beaufort.

John K. Campbell, to pay the expenses of his board during the vacation of eighteen hundred and twenty, forty-five dollars.

William Ashley, as an indemnity for a negro executed by due course of law, one hundred and twenty-two dollars.

For the purpose of fixing a discriminating mark on the wind-mill of Cape Romain to distinguish it from Charleston light-house, in such man-

A. D. 1821.

 Mark to be fixed on the windmill of Cape Romain.

Appropriation for John Gordon.

Joseph Winthrop and

Mrs. M'Intosh relieved.

Bond of S. Ross to be cancelled

Further indulgence given to the purchasers of public lands in Pendleton.

T. Lyles relieved.

M. Forbes placed on the pension list.

J. K. Mathews and B. Seabrook relieved.

Sureties of B. Ferguson further indulged.

A. Caruth to be proceeded against.

ner as James R. Pringle of Charleston, and William Chapman of Georgetown, may think proper, the sum of two hundred dollars, if so much be necessary, to be applied under their direction.

IV. *And be it further enacted* by the authority aforesaid, That the sum of six hundred and seven dollars and twelve cents be, and the same is hereby, appropriated in full consideration of the claim of John Gordon, as allowed at the last session, but not sufficiently specified.

For the purpose of procuring a lot in Barnwell, in front of the public buildings in the village of Barnwell, for the use of the State, whenever a good title shall be executed for the same to the comptroller-general and his successors in office, a sum not exceeding four hundred dollars.

V. *And be it enacted* by the authority aforesaid, That the comptroller general be, and he is hereby, authorized to refund to Joseph Winthrop one half of a double tax by him paid for the last year.

VI. *And be it enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to refund one half of a double tax paid by Mrs. M'Intosh, administratrix of L. M'Intosh, deceased.

VII. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to cancel the bond of Stephen Ross, late tax collector of Clarendon.

VIII. *And be it further enacted* by the authority aforesaid, That a further indulgence be, and the same is hereby, extended to the purchasers of public lands in Pendleton; provided their securities consent to the same; *and provided further*, that the comptroller-general be satisfied of the sufficiency of the security of said bonds.

For Evan and Sally Nicholson, for defraying the expenses attending a suit in defence of her title, two hundred dollars.

IX. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to refund a tax of thirty dollars and three cents, paid by Thomas Lyles, to the sheriff of Fairfield, the same having been paid by William Fant, in Union.

Francis Tisdale, for an injury done his slave whilst working on the public road, two hundred and fifty-three dollars.

Daniel Faust, for publishing the 2d volume of the decisions of the Constitutional Court, six hundred dollars.

Andrew Young, for arrears of pension, two hundred and twenty-one dollars thirty-two cents.

The commissioners of the poor of Georgetown, for advances made by them for the last year, two hundred and seventy-three dollars thirty-seven and a half cents.

X. *And be it further enacted* by the authority aforesaid, That Margaret Forbes, widow of Wm. Forbes, deceased, a pensioner, be placed on the pension list, and receive the same pension allowed her late husband.

XI. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized and empowered to refund one moiety of a double tax paid by John K. Mathews and Benjamin Seabrook, as trustees of the estate of Crawford.

XII. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to extend further indulgence to the sureties of B. Ferguson, late sheriff of Beaufort district.

For the transient poor of the town of Beaufort, five hundred dollars.

XIII. *And be it further enacted*, That the comptroller-general be, and he is hereby, authorized to order the solicitor for that circuit to proceed against the principal, Adam Caruth, and to report his proceedings to the Legislature at their next session.

For the salary of Charles J. Steedman, as an agent to adjust the claims of this State against the United States, for military services, five thousand dollars, if so much be necessary. A. D. 1821.

XIV. *And be it further enacted* by the authority aforesaid, That so much of the act entitled "An Act to make appropriations for the year one thousand eight hundred and nineteen, and for other purposes therein mentioned," as explains and amends "An Act to establish a bank in behalf of, and for the benefit of the State," shall be, and the same is hereby, repealed; and that the comptroller-general shall transfer to the bank of the State, on account of capital, on the second day of April, in each and every year, all monies received through the course of the preceding year, and then remaining in the treasury unappropriated. Money in the treasury to be transferred to the bank.

For the claims against the quarter-master-general's department, to be paid when they shall be vouched to the satisfaction of the comptroller-general, one thousand one hundred and eighty-one dollars thirty-six cents.

For the employment of some proper person, to be appointed by the comptroller-general, to make two copies of the index to the books for revolutionary supplies and services, eight hundred dollars.

For the repairs of the gaol at Charleston, ten thousand dollars, if so much be necessary.

For the purchase of Dr. Thomas Cooper's cabinet of minerals, the sum of three thousand dollars.

For the repairing and cleaning the arms at the arsenal at Camden, and for other purposes appertaining to the same, three hundred and twenty-seven dollars and fifty cents.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-one, and in the forty-sixth year of the Independence of the United States of America.

BENJAMIN HUGER, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO ESTABLISH A COMPETENT FORCE TO ACT AS A MUNICIPAL No. 2276.

GUARD FOR THE PROTECTION OF THE CITY OF CHARLESTON AND ITS VICINITY.

L. Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful for the board hereinafter named, to engage a number of men, not exceeding one hundred and fifty, to be embodied as a municipal guard, whose duty it shall be to guard and protect the district between the lines on Charleston Neck, and to the junction of the Meeting and King-street roads, denominated the cross roads, if necessary, and the southern extremity of the city, between Ashly and Cooper rivers, by patrols and sentinels, at all times of day and night, as necessity may require; and shall furnish any number of men which the police of Charleston, or the magistrates on Charleston Neck, may require, for the preservation of peace and the public security; in the same manner as the city guard of Charleston are used to do; and shall carry into effect the laws of the State and the city ordinances, for the government of negroes and free persons of colour;

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but the members of said corps shall have no military power over the white inhabitants of the State.

Tobacco in-
spection to be
used as a guard
house.

II. *And be it further enacted*, That the land and buildings now used as a tobacco inspection, be, and the same are hereby, vested in the board hereinafter constituted, and their successors for ever, for the purpose of being fortified as an arsenal and guard house for the use of the municipal guard hereby constituted; provided nothing in this clause shall prevent the right of the State to said lot, in the event of the same being applied to any other use than such as is expressed in this Act.

Land at the
lines to be vest-
ed in the board.

III. *And be it further enacted*, That the land on which the lines on Charleston Neck are located, shall be, and the same are hereby, vested in the board herein constituted, and their successors in office, who shall sell the same in the most advantageous manner, and apply the proceeds to the erection of the suitable buildings, on the site of the tobacco inspection, for an arsenal, for the deposite of the arms of the State, and a guard house, and for the use of said municipal guard.

Guard to be
enlisted for five
years.

IV. *Be it further enacted*, That the municipal guard aforesaid may be enlisted for any term not exceeding five years, and shall be governed by the rules and articles of the United States army, except that no punishment shall extend to life or limb; and if in the opinion of the attorney-general it shall be necessary, the assent of Congress shall be requested to the provisions of this Act.

Tax imposed
on houses and
negroes.

V. *Be it further enacted*, That for the purpose of defraying the expenses of said guard, a tax of ten dollars shall be, and the same is hereby, imposed on all houses within the limits so guarded, inhabited by negroes or persons of colour, as tenants or owners; also a tax of ten dollars each, upon all free male negroes or persons of colour, who exercise any mechanic trade within the above limits, who shall receive a license, which shall endure until the first day of January next succeeding its date, from the tax collector of St. Philip's and St. Michael's, and shall then pay said tax: And any such person who shall exercise his trade without complying with this law, shall forfeit one hundred dollars, half to the informer and the rest for the support of the guard, to be recovered in any court having jurisdiction, by action of debt; also a tax not exceeding twenty-five per cent, upon the general tax, upon all property within the limits aforesaid, to be assessed by the board herein constituted; all which taxes shall be collected by the tax collector of St. Philip's and St. Michael's, in the same manner as other taxes are, and shall be paid to the board herein constituted, for the purpose of defraying the expenses of said guard; and every person liable to any of the above taxes, shall, when he makes his return, swear that the same contains a full and true account of all property held in his own right, or otherwise, subject to the above taxes; and the assessors shall make diligent enquiry of all houses liable to said tax.

A board con-
stituted to car-
ry this Act into
effect.

VI. *Be it further enacted*, That the brigadier-general of the fourth brigade, and the field officers thereof, the intendant and wardens of the city of Charleston, and the commissioners of cross roads on Charleston Neck, and their successors, shall constitute a board for the purpose of carrying this Act into full effect, appointing and displacing the officers of the guard, and generally performing all acts necessary and proper to effectuate the intention of this Act, and make and establish all rules and orders relative to said guard, not inconsistent with the laws of the land.

City guard to
be abolished.

VII. *Be it further enacted*, That when, in the opinion of the said board, the said guard is sufficiently organized to secure Charleston and the Neck, the present city guard shall be abolished, and the inhabitants within said district shall not be liable to patrol duty; but any military force necessary shall be ordered on duty by the proper officer of the militia.

VIII. *And be it further enacted* by the authority aforesaid, That no private or non-commissioned officer in this corps shall enlist in said corps, but under the express understanding and rule of said corps, that no such private or non-commissioned officer of said corps shall vote at any general or city election; and such as do violate this rule shall be immediately dismissed from said corps, and not be entitled to such pay and rations as may be due them at the time of their dismissal.

A. D. 1822.

Said guard,
how to be en-
listed, and not
to vote at
elections.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB BOND PON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT for the better regulation and government of free negroes and persons of colour; and for other purposes. No. 2277.

(Passed December 21, 1822. See last volume.)

AN ACT TO COMPEL ALL PERSONS WHO VOLUNTARILY OFFER TO DO No. 2278.

THE DUTY OF CONSTABLES, TO GIVE SECURITY; AND FOR OTHER PURPOSES.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That from and immediately after the passing of this Act, if any person shall be willing to accept the office of constable, he shall apply to the justice under whom he is to act as constable, and offer one or more sufficient persons as sureties for his good behaviour in office; and if the justice shall think him a fit and proper person to serve in the office of constable, and that the security is sufficient, he shall certify the same to the clerk of the court; whereupon the clerk shall cause the person so applying, and the surety, to enter into bond conditioned for his good behaviour in the office of constable, and for the faithful discharge of the duties thereof, which bond shall be made payable to the treasurers for the time being, and their successors in office, and the penalty thereof shall be the sum of five hundred dollars, and the same shall be attested by the clerk of the court or his deputy.

Persons volunt-
teering as con-
stables to give
sureties,

II. *And be it further enacted* by the authority aforesaid, That after the said bond shall have been duly executed as aforesaid, the clerk of the court shall administer the oaths of office, as by law established, to the said person so applying to be appointed a constable, and shall file the said bond in his office, which shall be sued on, in like manner as sheriffs's bonds, by any person who may think himself aggrieved by the misconduct in office of such constable: And in all actions to be brought on constables's bonds, the course of proceeding, and the evidence to be given, shall be the same as are by law prescribed in case of sheriffs's bonds: provided that

And take an
oath.

A. D. 1822.

To serve two
years.

this Act shall not be construed so as to compel constables to give security, who are appointed without their consent : *And provided further*, that no constable shall be liable under his said appointment, after having given bond as aforesaid, to serve more than two years, on his giving three months notice to the magistrate who recommended him, or to the clerk of the court for the district, of his intention to resign.

Justice's
summons,
how to be
served.

III. *And be it further enacted* by the authority aforesaid, That all summonses, or subpoenas, returnable before a justice of the peace or quorum, may be served by leaving a copy of the summons or subpoena at the most notorious residence of the defendant or witness, at least fifteen days before the time appointed for the appearance of such defendant or witness.

In the Senate House, the twenty first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2279. AN ACT to alter the sittings of the Court of Common Pleas and Sessions, for part of the Eastern Circuit; and for other purposes therein mentioned.

(Passed December 21, 1822. *See last volume.*)

No. 2260. AN ACT TO INFLICT CORPORAL PUNISHMENT ON SUCH PERSONS AS MAY
HEREAFTER BE CONVICTED OF FRAUDULENTLY PACKING COTTON; AND
FOR OTHER PURPOSES THEREIN MENTIONED.

Preamble.

WHEREAS, great injury has and may hereafter happen, and the advantage and emolument of the planting interest of this State, as well as the reputation thereof abroad, be greatly affected by the fraudulent packing of cotton : For remedy whereof,

Fraudulent
packing of
cotton.

1. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the first day of March next, if any person or persons whomsoever shall be convicted, in any court of sessions of this State, of knowingly and wilfully packing, or putting into any bag, bale or bales of cotton, any stone, wood, trash cotton, cotton seed, or any matter or thing whatsoever, or causing the same to be done, to the purpose or intent of cheating or defrauding any person or persons whomsoever, in the sale of such cotton, or shall exhibit or offer for sale any bag, bale or bales of cotton, so fraudulently packed, the said person or persons, at the time of the said exhibit or offer for sale knowing the same to be so fraudulently packed, shall, on conviction thereof, as aforesaid, for the first offence be sentenced to pay a fine of not more than one thousand dollars, nor less than ten dollars, and to be imprisoned for a term of not more than six months, and not less than one month.

Penalty.

II. *And be it further enacted* by the authority aforesaid, That if any person or persons whomsoever shall a second time be convicted in any court of sessions as aforesaid, of fraudulently packing any bag, bale or bales of cotton, or exhibiting or offering the same for sale, as before specified and described in this Act, he, she or they, shall for such second offence, and every other thereafter, be sentenced to receive not more than twenty lashes, nor less than five lashes, on the bare back, and be further liable to all the disabilities which, by common law or otherwise, may now be imposed on such as have suffered corporal punishment.

A.D. 1822.

Second offence.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB BOND P'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO EXEMPT THE MILITIA WITHIN THE TOWN OF CAMDEN, No. 2281.
FROM THE PERFORMANCE OF MILITIA DUTY OFTENNER THAN ONCE IN TWO MONTHS.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all persons liable to perform militia duty in the town of Camden, be, and they are hereby, exempted from turning out on company parades oftener than once in two months.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB BOND P'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO PROTECT BANKS, AND THE HOLDERS OF BILLS AND No. 2282.
NOTES, FROM FRAUDS.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, no bank now or hereafter to be incorporated in this State, shall be compelled by law to pay any of their bills which have been or may be hereafter cut in half or divided, unless both halves of said bill or bills is presented, or unless the person producing one half, and demanding payment as of the whole, shall first give bond and sufficient security to the said bank, as an indemnity against any loss or damage that may be sustained by the said bank, by paying the whole of said half bills to said person.

Bank not bound to pay all of cut bill unless security is given.

A. D. 1822.

Protest good
evidence if
Notary be dead
or lives in
another dis-
trict.

II. *And be it further enacted* by the authority aforesaid, That whenever a notary public, who may have made protest for non-payment of any inland bill or promissory note, shall be dead, or shall reside out of the district in which said bill or note is sued, his protest of said bill or note shall be received as sufficient evidence of notice in any action by any person whatsoever, against any of the parties to such bill or note.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2283. AN ACT to allow two weeks for the session of the Courts of General Sessions and Common Pleas for Newberry district, in October in each year; and for other purposes therein mentioned.

(Passed December 21, 1822. *See last volume.*)

No. 2284. AN ACT PRESCRIBING, ON THE PART OF THIS STATE, THE TIMES, PLACES AND MANNER OF HOLDING ELECTIONS FOR REPRESENTATIVES IN THE CONGRESS OF THE UNITED STATES.

Preamble. WHEREAS, by the census of the inhabitants of the United States, taken in conformity with the constitution thereof, this State is entitled to nine members in the House of Representatives of the United States.

Election dis-
tricts.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That this State be, and is hereby, divided into nine districts, for the purpose of electing representatives from this State to the Congress of the United States; of which the district of Charleston, exclusive of St. John's Colleton and St. Andrew's, shall form one district; that the united districts of Colleton and Beaufort, including the parishes of St. John's Colleton and St. Andrew's, shall constitute one district; that the united districts of Georgetown, Horry, Marion, Marlborough, Williamsburgh and Darlington, shall constitute one district; that the United districts of Barnwell, Orangeburgh, Lexington and Richland, shall form one district; that the United districts of Edgefield and Abbeville, shall form one district; that the united districts of Pendleton and Greenville, shall form one district; that the united districts of Spartanburgh, Union, York and Chester, shall form one district; and the united districts of Lancaster, Kershaw, Sumter and Chesterfield, shall form one district; and the united districts of Fairfield, Newberry and Laurens, shall form one district; and each of the said districts shall send one representative to the House of Representatives of the United States, who shall be chosen by the persons qualified to vote for members of the House of Representatives of this State.

First election,
when to be held

II. *And be it further enacted*, That the election of representatives from this State, to the next or eighteenth congress, shall be held on the second

Monday in February next and the day following, at the same places, and be regulated by the same managers, and in the same manner, as the elections of members of the State Legislature; and the person who shall have the greatest number of votes in the several districts, shall be the member for that district to the House of Representatives in the next Congress of the United States, from this State.

A. D. 1822.

III. *And be it further enacted*, That the elections of members of the House of Representatives of the United States, from this State, after the next election, shall be held at the same times and places, and be regulated and conducted by the same managers, and in the same manner, as the elections of members of the State Legislature; and the person having the greatest number of votes in any congressional district, at any of the said elections, shall be the representative of that district in the Congress of the United States.

Future elections, when to be held.

IV. *And be it further enacted* by the authority aforesaid, That the respective managers of the several election districts aforesaid, shall, within twenty days after each and every election for representatives in Congress, transmit the ballots by them respectively taken, to Columbia, safely and securely enclosed in paper, sealed with their seals, and directed to the Governor, or to the Secretary of State, by a person by them to be employed particularly for that purpose, who, at the time of receiving the said packet, shall take an oath before some magistrate, "safely to convey and deliver such packet agreeably to the directions, (sickness and unavoidable accidents excepted,) and in case of sickness, that he will deliver the same in good order, and the seals unbroken at the time of such delivery, to some other person, to be conveyed to Columbia;" and the Governor or the Secretary of State, as the case may be, on the receipt of any such packet, shall cause to be administered to the person delivering the same the following oath, viz: "I, A. B. do solemnly swear, (or affirm, as the case may be,) that the paper or packet now delivered by me, with the contents, were placed in my hands by the managers of the election district of——(or by ——in case he has received the same from the messenger first entrusted,) and that the said packet has not been delivered out of my custody to any person, since the same was delivered to me, nor has the said paper or packet been opened by me, or any other person, to my knowledge, or with my connivance or consent; so help me God:" which paper or packet so delivered, shall be received by the Governor or Secretary of State; and the several persons who shall be employed in conveying the said packets to Columbia, from the several election districts in this State, shall be entitled to receive and shall be paid three dollars per diem, for coming to and going from Columbia, allowing forty miles for each day's journey.

Returns, how to be made.

V. *And be it further enacted* by the authority aforesaid, That the Governor for the time being, or in case of his sickness, death or absence, the lieutenant governor, on the first Monday in May next, and on every first Monday in December succeeding the future elections, after the next election hereinbefore mentioned, shall cause the said returns to be publicly opened, examined and counted, in his presence at Columbia, by three or more commissioners, to be by him, and under his hand and seal, appointed for that purpose; and shall ascertain the number of votes given at the different elections, for every person, and what nine persons shall have respectively the greatest number of votes in the said several districts, and shall then deposit the original poll of each of the said nine districts, in the office of the Secretary of State; and after having ascertained what nine persons have been elected as before directed, he shall notify, by proclamation, that those persons have been duly elected members of the

Votes to be counted.

A. D. 1822. House of Representatives in the Congress of the United States; *provided*, that if both the Governor and Lieutenant Governor shall be absent from Columbia, the Secretary of State, and three commissioners hereinbefore mentioned, shall and may open and count the votes, and ascertain the nine persons elected as aforesaid, and transmit the result thereof to the Governor, or in case of his absence or death, to the Lieutenant Governor, to be published by proclamation as aforesaid: *provided*, that the three commissioners aforesaid shall in all cases, before they proceed to act in the premises, take an oath before some magistrate, "that they will faithfully and impartially, to the best of their skill, discharge the duties required of them by this Act."

Managers to count the votes. VI. *And be it further enacted* by the authority aforesaid, That the managers of the said elections be, and they are hereby, required, the next day after the poll shall be closed, to count over the votes publicly, which shall have been given in the respective election districts, for the respective candidates or persons voted for; and the said managers shall keep an account in writing of the number of votes which each candidate shall have, and shall also transmit to the Governor, with the ballots, a duplicate of such account.

How to proceed where the same person is returned for more than one district. VII. *And be it further enacted*, That in case the same person shall be returned for two or more districts, he may, within twenty days after due notice shall be given him thereof, choose for which district he will serve; and on his making such choice, or neglecting so to do within the said term, the Governor shall direct another election to be held within twenty days thereafter, for the vacant district or districts, to be conducted as is before directed by this Act. And the Governor shall proceed in the same manner where the member elected in any of the said districts refuses to serve; and in case of the death of any person elected, or if his seat shall become vacant by any other means, or if two or more persons shall have equal votes for the same district, the Governor shall order a new election, as the case may require, to be conducted as hereinbefore prescribed.

Repealing clause. VIII. *And be it enacted*, That all Acts and clauses of Acts contrary to this Act, be, and the same are hereby, repealed.

In the Senate House, the twenty-first of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2285. AN ACT to alter the time of holding the October Terms of the City Court of Charleston.

(Passed December 21, 1822. See last volume.)

No. 2286. AN ACT TO VEST THE TITLE OF THE LOT UPON WHICH THE LUNATIC ASYLUM STANDS, IN THE TRUSTEES AND VISITERS OF SAID ASYLUM.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the

authority of the same, That the lot, upon which the Lunatic Asylum stands, containing four acres, butting and bounding on Upper, Boundary, Bull, Pickens and Sumter streets, be and the same is hereby, vested in the Trustees and visitors of said Asylum, and their successors in office, for the uses and purposes expressed in an Act of the General Assembly of the said State, passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-one, entitled "An Act to authorize the erection of suitable buildings for a Lunatic Asylum, and a school for the deaf and dumb."

A. D. 1822.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE CITIZENS OF THIS STATE, IN THE SEVERAL CIRCUIT DISTRICTS WITHIN THE SAME, TO ELECT BY BALLOT THE SHERIFFS WITHIN THE SEVERAL AND RESPECTIVE DISTRICTS." No. 2287.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of an Act entitled "An Act to authorize the citizens of this State, in the several circuit districts within the same, to elect by ballot, the sheriffs within their several and respective districts," passed on the 15th day of December, anno domini, 1808, as authorizes the Governor to fill all vacancies in the office of sheriff, that shall take place by the death, resignation, removal out of the State, or removal from office by impeachment, of any sheriff, or by any election for sheriff being declared void by the managers, or where any two or more candidates shall have an equal number of votes, be, and the same is hereby, repealed. People to elect Sheriffs.

II. *And be it further enacted* by the authority aforesaid, That whenever any vacancy shall occur in the office of sheriff, in any of the circuit court districts in this State, by death, resignation, removal from the State, or removal from or expiration of office, of any sheriff, or where any election shall be declared void by the managers, or where any two or more persons shall have an equal number of votes, it shall be the duty of the Governor forthwith to issue writs of election to the managers appointed to hold elections for such district, requiring them to hold an election to fill such vacancy; which election shall be holden, conducted, managed and declared, in the same manner as is prescribed by the Act herein before recited. Governor to order new elections in certain cases.

III. *And be it further enacted* by the authority aforesaid, That whenever any vacancy shall occur in the office of sheriff, in any of the circuit court districts in this State, it shall be the duty of the clerk of the court of common pleas and sessions for such district, forthwith to notify the Governor of such vacancy; and it shall be the duty of the clerk to take possession of the gaol of the said district, and to take charge of the prisoners confined Clerk to notify Governor of vacancy, and take possession of the gaol, &c.

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therein, and also of all papers which may be in the sheriff's office, until a sheriff shall be elected and commissioned for such district.

IV. *And be it further enacted* by the authority aforesaid, That every sheriff elected pursuant to the provisions of this Act, shall continue in office for four years from the day on which he shall enter on the duties of his office, and shall notify the clerk of the said district of the day on which he shall so enter upon the duties of his office.

To continue in office 4 years.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2288. AN ACT TO VEST IN THE ORANGEBURGH ACADEMICAL SOCIETY THE ESCHEATED PROPERTY WITHIN ORANGE PARISH.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all such property as have heretofore, or shall hereafter, accrue to the State within Orange Parish, by virtue of an Act entitled "An Act to appoint escheators and regulate escheats," shall be, and the same is hereby, vested in the Orangeburgh Academical Society, for the purpose of endowing and supporting an academy within the said parish.

II. *And be it further enacted* by the authority aforesaid, That whenever the said society shall have received from the sale of escheated property, the sum of five thousand dollars, then, and immediately thereafter, this grant shall cease and determine; *provided*, that nothing herein contained shall be construed to restrict the legislature from vesting in any person or persons, any escheated property within the said parish, who may have an equitable claim thereto.

In the Senate House, on the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2289. AN ACT TO VEST IN THE CAMDEN ORPHAN SOCIETY ALL THE ESCHEATED PROPERTY IN THAT DISTRICT, UNTIL THE SAME SHALL AMOUNT TO TWENTY-ONE THOUSAND DOLLARS.

Escheated property in Kershaw.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all the property

which now is, or shall be hereafter, subject to escheat in the district of Kershaw, shall be, and the same is hereby, vested in the Trustees of the Camden Orphan Society, and their successors in office, until the proceeds of the same shall amount to the sum of twenty-one thousand dollars; *provided*, that nothing herein contained shall be construed to restrain the legislature from conveying any escheated property within the said district, to any person or persons, who, in the opinion of the legislature, may have an equitable claim to the same. A. D. 1822.

II. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, all the property which now is, or shall be hereafter, subject to escheat, in the district of Barnwell, shall be, and the same is hereby, vested in the Trustees of the Barnwell Female Academy, and their successors in office, until the proceeds of the same shall amount to the sum of ten thousand dollars; *provided*, that nothing herein contained shall be construed to restrain the legislature from conveying any escheated property within the said district, to any person or persons, who, in the opinion of the legislature, may have an equitable claim to the same. Escheated property in Barnwell.

in the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives*

AN ACT to renew the Charter of the "State Bank" and the "Bank of South Carolina;" and for other purposes therein mentioned. No. 2290.

(Passed December 21, 1822. *See last volume.*)

AN ACT to incorporate the several Societies therein mentioned. No. 2291.

(Passed December 21, 1822. *See last volume.*)

AN ACT TO PROVIDE FOR THE COMPENSATION OF THOSE PERSONS WHOSE SLAVES HAVE BEEN EXECUTED IN CHARLESTON, DURING THE SUMMER OF EIGHTEEN HUNDRED AND TWENTY-TWO, FOR AN ATTEMPT TO RAISE AN INSURRECTION IN THIS STATE; AND OF CERTAIN OTHER PERSONS WHOSE SLAVES HAVE SUFFERED DEATH BY THE JUDGMENT OF THE LAW. No. 2292.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority

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 Compensation
 for slaves exe-
 cuted.

of the same, That the owners of the negroes that were executed in Charleston, during the summer of the year of eighteen hundred and twenty-two, for an attempt to raise an insurrection in this State, be, and they are hereby, declared entitled to receive the sum of one hundred and twenty-two dollars forty-four cents, to be paid to them severally and respectively, for every negro that has been executed by the course of law.

II. *And be it further enacted*, That two hundred and forty-four dollars eighty-eight cents, for two negroes, lately executed, be granted to Elizabeth Martin; and to Lewis R. Sams, for one negro, one hundred and twenty-two dollars, forty-four cents; to Burwell Chick, for one negro, one hundred and twenty-two dollars, forty-four cents; and to Robert Yates and Rebecca Philips, Administrators of Zacariah Philips, deceased, one hundred and twenty-two dollars forty-four cents, for one negro; to Sanders Glover and John Vinyard, one hundred and twenty-two dollars forty-four cents, for one negro; to be paid to them respectively, in compensation for their several slaves that have suffered death by the judgment of the law.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2293. AN ACT TO VEST IN SARAH BOLINSTONE, AND CHARLES BOLINSTONE, HER SON, CERTAIN ESCHATED LANDS, ON THE DIVIDING LINE BETWEEN BARNWELL AND BEAUFORT DISTRICTS.

WHEREAS, Sarah Bolinstone has, by petition, prayed that certain escheated lands, on the dividing line between Barnwell and Beaufort districts, which have escheated to the State, should be vested in herself and her son Charles Bolinstone; and whereas, upon the facts stated therein, it appears that the prayer of the petition ought to be granted; Therefore,

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the Authority of the same, That from and immediately after the passing of this Act, all the right, title and interest of the State, of, in and to the said lands, be vested in the said Sarah Bolinstone and Charles Bolinstone, their heirs and assigns, forever.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty seventh year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOALE, *Speaker of the House of Representatives.*

No. 2294. AN ACT to consolidate and equalize certain Militia Companies; to authorize the sale of small arms and the inspection of Muskets, made by Adam Carruth, preparatory to their being purchased by the State.

(Passed December 21, 1822. See last volume.)

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AN ACT CONCERNING THE INTERNAL IMPROVEMENT OF THE STATE. No. 2295.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Board of Public Works be, and the same is hereby, abolished, and, in lieu thereof, that there shall be a Superintendent of Public Works annually elected by joint ballot of both branches of the Legislature, who shall have power and authority to appoint and remove at his pleasure, one Engineer, for whose skill and conduct the said superintendent shall be responsible. ^{Superintendent to be elected, and an Engineer appointed.}

II. *And be it further enacted* by the authority aforesaid, That the superintendent of public works shall be, and he is hereby declared to be, the successor of the board of public works, and shall have and possess all the powers, and perform all the duties, now performed and exercised by the board of public works, with such restrictions as are hereinafter expressed. ^{His powers.}

III. *And be it further enacted* by the authority aforesaid, That the superintendent of public works shall give bond, with sufficient security, to be approved of by the comptroller, in the sum of fifty thousand dollars, for the faithful performance of the duties of his office, and shall receive, annually, a salary of three thousand dollars, payable quarterly. ^{To give bond and security.}

IV. *And be it further enacted* by the authority aforesaid, That the engineer shall perform all such duties in relation to the internal improvement of the State, as shall be required of him by the superintendent of public works, and shall receive as a compensation, annually, the sum of twenty-five hundred dollars, payable quarterly. ^{Duties of the engineer.}

V. *And be it further enacted* by the authority aforesaid, That the superintendent of public works shall hereafter commence no work whatever, until the same shall be fully and particularly examined by him or the engineer, and shall be reported to the Legislature with detailed estimates thereof, and shall be by the Legislature ordered and directed to be undertaken. ^{Work, how to be undertaken.}

VI. *And be it further enacted* by the authority aforesaid, That whenever any assessment of property, necessary for the internal improvement of the State, shall have been made, pursuant to the Acts of the General Assembly heretofore passed on that subject, the said assessment shall not be paid until the same shall have been approved of by the Legislature; unless when the land or materials have been taken or destroyed previously to the passing of this Act. ^{Assessments, how to be made}

VII. *And be it further enacted* by the authority aforesaid, That the superintendent of public works be, and he is hereby, authorized to convey to Michael Collins and Michael Conner, in fee simple, so much of a tract of two hundred acres of land, situated between Fishing creek and Catawba river, as may not be required for the Catawba canal, which land was conveyed to the State of South Carolina by Samuel M'Creary, on the said Michael Collins and Michael Conner's performing their agreement with the board of public works. ^{Land to be conveyed to M. Collins and M. Conner.}

VIII. *And be it further enacted* by the authority aforesaid, That the superintendent of public works be authorized to convey to Jacob J. Faust and Manoel Antonio, thirty feet of the west side of Gist-street, in the town of Columbia, extending from Senate-street to the tow path of the canal; and so much of Senate-street as lies between the road hereinafter mentioned and the Congaree river; and so much of Gist-street as lies ^{To Jacob J. Faust and M. Antonio.}

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between the said road and the branch which passes between Pendleton and Medium-streets—whenever the said Jacob J. Faust and Manoel Antonio shall convey to the State of South Carolina such parts of the two squares owned by them, lying between Senate, Gist and Medium-streets and the Congaree river, as are covered by the Columbia canal and tow paths thereof, and by a road twenty-five feet wide, running on the west side of the said canal from Senate-street to Levy's brick yard.

To Chapman
Levy.

IX. *And be it further enacted* by the authority aforesaid, That the superintendant of public works be authorized to convey to Chapman Levy, Esquire, so much of Green and Medium-streets, as is situated between a line drawn parallel to the centre of the Columbia canal, at the distance of thirty feet therefrom, and the Congaree river; and so much of Gist-street as lies between Green-street and the branch which passes between Medium and Pendleton-streets—whenever and so soon as the said Chapman Levy shall convey to the State, so much of two squares, situated between Pendleton, Williams, Medium and Gist-street, and the other between Medium, Williams, Green, and Gist-street, as is covered by the said canal and the tow paths thereof, extending thirty-three feet on each side, from the centre of the said canal.

To N. Herbe-
mont.

X. *And be it further enacted* by the authority aforesaid, That the superintendant of public works be authorized to convey to Nicholas Herbmont, the lots numbered one and two, six and seven, in the plan of the lots laid out by the said board of public works, at the second basin of the Columbia canal, when and so soon as the said Nicholas shall have conveyed to the State so much of the square in the town of Columbia, lying between Senate, Gist, Gervais-streets and the Congaree river, as is covered by the said canal and the basin, and a tow path eight feet wide, on each side of the canal; and also, by a road twenty feet wide, leading from Daniel's mill to Senate street.

To John
Waring.

XI. *Whereas*, John Waring conveyed to the State, without compensation, for the use of the canal, a part of two squares in the town of Columbia; and whereas, since the construction of the said canal, it is found that so much of the square situated between Lady, Gist, Gervais and Williams-streets, as he thus conveyed, is not necessary to it: *Be it therefore enacted* by the authority aforesaid, That the superintendant of public works be required to re-convey to the said John Waring, the part of the said square thus found not to be necessary to the said canal.

To William E.
Hayne.

XII. *And be it further enacted* by the authority aforesaid, That the superintendant of public works be authorized to convey to William Edward Hayne so much of the streets in the town of Columbia as are included within the following limits, viz: beginning on the Congaree river at the centre of Tobacco-street, running up the centre thereof to the east side of Huger-street; thence along the said east side to the north side of Blossom-street; thence on the said north side to the east side of William-street; thence along the said east side to the south side of Greex-street; thence along the said south side to the Congaree river, and thence down the said river to the beginning corner; excepting therefrom all the land contained between two lines, running parallel to the centre of the Columbia canal, at the distance of thirty-three feet therefrom; and also excepting such streets as adjoin a square bounded by Gist, Blossom and Wheat-streets and the Congaree river—when and so soon as the said William Edward Hayne shall have conveyed to the State, so much of the land contained within the above described limits as is covered by the said canal and tow paths thereof, extending thirty-three feet from the centre of the said canal; and the said superintendant of public works, in making the said conveyance to the said William Edward Hayne, shall

reserve a free right of way from the square bounded by Gist, Blossom and Wheat-streets, and the Congaree river.

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XIII. *And be it further enacted* by the authority aforesaid, That the superintendant of public works be authorized to convey to Benjamin F. Taylor, Esquire, so much of the streets in the town of Columbia, as are contained within the following limits, viz: beginning on the Congaree river on the south side of Lower-street; thence on the said south side to Lincoln-street; thence on the west side of Lincoln-street to the north side of Indigo-street; thence on the said north side to the east side of Pulaaski-street; thence on the said east side to the centre of Tobacco-street; thence on the said centre to the Congaree river; and thence by the river to the beginning corner; reserving therefrom so much of the said streets as are covered by the Columbia canal, and the tow paths thereof, extending thirty three feet from the centre of said canal; when and so soon as the said Benjamin F. Taylor shall have paid to the said superintendant of public works fifty dollars per acre, for all the streets thus to be conveyed to him; and also shall have conveyed so much of his lots within the limits aforesaid as are covered by the said canal and the tow paths thereof, extending thirty-three feet from the centre of the said canal.

To B. F. Taylor.

XIV. *And be it further enacted* by the authority aforesaid, That the superintendant of public works be authorized to sell or exchange any of the lands acquired by the State from the Catawba company, lying on the Wateree river, between the mouth of Col's creek and Chesnut's ferry, and a line drawn parallel to the said river, at the distance of two miles west of the said river, subject to the sanction of the Legislature.

Certain lands on the Catawba to be sold or exchanged.

XV. *And be it further enacted*, That the superintendant of public works be authorized to employ a surveyor to run out all the land belonging to the State, on the west side of the Catawba river, in the vicinity of Mount Dearborn and Rocky Mount, and that they report to the Legislature, at their next session, the quantity and qualities thereof, and what part in their opinions it is necessary to reserve for the works in that neighborhood, and what part may be advantageously sold.

Certain lands on the Catawba to be run out.

XVI. *And be it further enacted*, That the superintendant of public works be authorized to sell at public auction, after one month's public notice, on a credit of one and two years, with personal security, taking a bond and mortgage of the premises, all the lands belonging to the State, or to the board of public works, on the State road, between the Saluda river and the North Carolina line; and also, so much land as belongs to the State, on the road between the North Carolina line and Green river: *Provided* that in making the said sale, there shall be reserved at least thirty feet on each side of the centre of the said road, and also the right of taking from the premises sold, stone for the repairs or re-construction of the said road, and the bridges, drains and culverts thereof.

Lands on the State road to be sold.

XVII. *And be it further enacted*, That the superintendant of public works be authorized to lease, by private contract, for terms not exceeding ten years each, all the lands belonging to the State on Saluda canal, and that he be required to insert in the said leases, a clause or clauses, stipulating that the tenant or tenants shall not be permitted to suffer hogs, cattle, horses, or any other stock, to have access at any time to the said canal, or to the banks thereof, within eight feet of the margin of the water in the canal.

Lands on the Saluda canal to be leased.

XVIII. *And be it further enacted* by the authority aforesaid, That the superintendant of public works be authorized to convey to John Whitaker, Esquire, so much of the land acquired by the State from the Catawba company, as lies between the Wateree canal and the Wateree river, and

Lands to be conveyed to J. Whitaker.

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the upper and lower line of his plantation through which the canal passes, in part compensation for the land surrendered by him to the State for the use of the said canal.

Lots on the upper basin in Columbia to be exchanged.

XIX. *And be it further enacted*, That the superintendant of public works be, and is hereby, authorized to make exchanges with the proprietors of lots on the upper basin of the Columbia canal, by which the said proprietors may acquire a front on the water thereof, and the State may acquire an extension of the ground owned thereby, sufficient for the erection of ware-houses and streets leading to and from the same, which shall be subject to the sanction of the Legislature.

Plan of lots at the second basin in Columbia, to be recorded.

XX. *And be it further enacted*, That the superintendant of public works do cause a plan of the lots laid out by the board of public works at the second basin of the Columbia canal, to be recorded in the surveyor-general's office, there to remain a public record; and that the said lots, notwithstanding they may be partly or in the whole in the streets of Columbia, shall be vested in the State; and that the street so laid out be, and hereby is established as, one of the public streets of the town of Columbia.

Plan of lots and streets on the third basin to be recorded.

XXI. *And be it further enacted*, That the lots and streets laid out by the board of public works, on the third basin of the Columbia canal, be recorded in the surveyor-general's office, there to remain as a public record, and that the said street be declared a public street of the town of Columbia.

Lots in Columbia to be leased.

XXII. *And be it further enacted*, That the superintendant of public works, and his successors in office, be, and he is hereby, authorized, from time to time, to rent out on leases, not exceeding fifteen years, all the lots belonging to the State on the Columbia canal, or the basins thereof, on such terms, and upon the reservation of such rents, as he may deem most for the interest of the State: *Provided*, that in all leases hereafter to be made, the same shall be done at public auction, after one month's public notice thereof, except where proposals for leases have already been made and accepted by the board of public works, and except on the renewal of any lease made in pursuance of any stipulation therein contained; and that the rents received on the said leases, do constitute a fund for the support of the said canal, until otherwise ordered by the Legislature.

Public landing on Catawba river to be laid out near Farrar's landing.

XXIII. *And be it further enacted*, That the superintendant of public works be authorized and required to lay out and establish a public landing on the Catawba river, on lands belonging to the State, between the mouth of Rocky creek and Farrar's landing; and also to lay out and establish lots on and adjacent to the said public landing, for the erection of ware-houses and other buildings, and to rent out the said lots at public auction, after one month's public notice, on such terms as to him may appear most to the interest of the State; and that the superintendant of public works do return a plan of the said landing and lots, to the surveyor-general's office, there to be recorded and made a public record.

Road to be laid out in Chester district.

XXIV. *And be it further enacted* by the authority aforesaid, That the commissioners of the roads for Chester district be authorized and required to lay out, make and keep in repair, a road leading from Beckhamville to the lands belonging to the State, between the mouth of Rocky creek and Farrar's landing; and that in case Miles Farrar, the proprietor of the land through which part of the said road shall run, shall require compensation for the same, that then, and in that case, the said commissioners do cause an assessment of damages sustained to be made by five commissioners, or a majority thereof, to be appointed by the court of equity or court of common pleas, for Chester district, and that they return the said assessment to the Legislature at their next session.

XXV. *And be it further enacted* by the authority aforesaid, That the road lately established and constructed by the board of public works, leading from Camden to Belton's boat landing on the Wateree river, be, and the same is hereby, established as a public road of Kershaw district, and that it shall be the duty of the commissioners of the roads of the said district to keep the same at all times in good repair, by the same means by which the public roads of said district are repaired.

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Road from Camden to Belton's boat landing.

XXVI. *And be it further enacted* by the authority aforesaid, That William Whitaker, Benjamin Bineham, and George Stratford, be authorized and empowered to lay out a public landing at or near the termination of the said road, on the Wateree river; and should the proprietor or proprietors of the soil on which the said landing shall be laid out, require compensation therefor, that then and in that case, the said commissioners shall cause an assessment to be made of the damages sustained, by five commissioners, or a majority of them, to be appointed by the court of equity or common pleas of Kershaw district, and that the same be returned to the Legislature at their next session, for their approbation or rejection: And the said first mentioned commissioners are required at the same time to report to the Legislature what charges ought to be imposed on boats or other craft, lading or unlading at the platforms, cranes or other machinery that may be erected by the proprietor or proprietors of the soil for that purpose on the said landing.

Landing to be laid out near the termination of said road.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty two, and in the forty-seventh year of the Independence of the United States of America.

JACOB BOND L'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT to establish a Bank in the town of Hamburg, and to incorporate the same. No. 2296.

(Passed December 21, 1822. *See last volume.*)

AN ACT TO DEFINE THE BOUNDARY LINE BETWEEN THE CITY OF No. 2297.

CHARLESTON AND CHARLESTON NECK; AND FOR OTHER PURPOSES THEREIN MENTIONED.*

1. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the boundary line which divides Charleston from Charleston Neck, shall be known and designated as follows, any law, usage or custom, to the contrary notwithstanding, viz: Fifty feet on Boundary-street, from the south line of said street to the north, shall constitute the breadth of said street; from the market square, the north line or side of said street called Boundary-street, as above designated, to form the line from the said market square to Meeting-street,

Boundary line established.

* This Act is not in Faust, nor does it appear to have been heretofore in print.
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from thence through the centre of Meeting to Hutson-street ; through the centre of Hutson-street to King-street ; through the centre of King-street to Vanderhorst-street ; through the centre of Vanderhorst-street to St. Philip's-street continued ; through the centre of St. Philip's-street to the north side of Boundary-street, as described above ; thence westwardly to the centre of Cumming's creek ; thence by the channel of this creek to the channel of Ashley river.

Jurisdiction provided for.

II. *Be it further enacted*, That no clashing of jurisdiction may arise between the city council of Charleston and the commissioners of Charleston Neck, from fugitives fleeing over said line, on either side, from justice, that it shall be lawful for the patrol of the Neck, or the city guard of Charleston, to pursue and arrest any slaves or persons of colour who may take refuge or flee on either side of said line, as above described.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2298. AN ACT to establish certain Roads, Bridges and Ferries ; and for other purposes.

(Passed December 21, 1822. See last volume.)

No. 2299. AN ACT FOR THE REMUNERATION OF PETER, OF GEORGE, PENCIL, AND OF — SCOTT.

Preamble.

WHEREAS, it is expedient liberally to reward such persons as have given important information, tending to the discovery and suppression of a very dangerous plot, in which many slaves have been lately engaged, against the peace and security of this State.

Slave Peter rewarded.

I. *Be it therefore enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John C. Prioleau, the owner of the negro man slave, Peter, be, and he is hereby, empowered to emancipate the said Peter, who shall be, immediately thereafter, entitled to receive fifty dollars per annum, during his natural life ; and the said John C. Prioleau, the owner of Peter, be entitled to such sum as he the said slave may be appraised at, by three disinterested freeholders, to be appointed by the Governor ; *provided*, the same shall not exceed one thousand dollars.

II. *And be it further enacted*, That if the said John C. Prioleau refuses to emancipate the said slave Peter, or the said Peter refuses to accept his freedom, that then, the sum of one hundred dollars per annum be paid to the said Peter, during his natural life.

III. *And be it further enacted*, That it shall, and may be lawful for the said John C. Prioleau to set the said slave free by any deed or writing

in his lifetime, or by his last will; and if the said John C. Prioleau be willing to set the said slave free, he shall receive the compensation hereinbefore mentioned, to be paid either to him or his executors or administrators by the comptroller-general on the part of the State; and the said Peter, after his freedom, shall be exempt from all taxes during his life.

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IV. *And be it further enacted*, That George, the slave of Mrs. Wilson, be also placed on the same footing, and be entitled to the same sum, and to the same privileges, to all intents and purposes, as are hereby conferred on the said Peter, the slave of the aforesaid John C. Prioleau, Esq'r.

Also George.

V. *And be it further enacted*, That the sum of one thousand dollars is hereby granted to William Pencil, and the sum of five hundred to—Scott, for their useful discoveries and faithful conduct in the late projected insurrection; and they, the said William Pencil and —Scott, shall be hereafter freed and discharged from all taxes, during their natural lives.

Also Pencil and Scott.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY-TWO. No. 2300.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, for the use and service thereof; that is to say, That thirty-seven and a half cents ad valorem on every hundred dollars, be paid in specie, or in the notes of the incorporated banks of this State, on all lands granted within this State; that seventy-five cents per head shall be levied upon all slaves, of all ages and descriptions; and the sum of two dollars per head upon all free negroes, mulattoes, and mestizoes, (except such as shall be clearly proven to the collectors to be incapable, from maims or otherwise, of providing a livelihood,) between the ages of fifteen and fifty; and thirty-seven and a half cents ad valorem on every hundred dollars of the value of all lots and lands and buildings within any town, city, village or borough; and seventy-five cents per hundred dollars, on factorage employments, faculties and professions, (clergymen, schoolmasters, schoolmistresses, and mechanics excepted,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in specie, paper medium, or notes of the banks of the State of South Carolina.

Tax to be raised.

Factorage, &c.

II. *And be it further enacted* by the authority of the same, That any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay, for the use of this State, a four fold tax on the same; but this clause shall not be construed to extend to any person sent, or hereafter to be sent, abroad in the employment of this State, or of the United States, until one year after the expiration of his commission.

Absentees to pay four fold.

A.D. 1922.

Tax on plays
and shows.

III. *And be it further enacted* by the authority aforesaid, That all persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, and those that exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of twenty dollars per day, where they make their exhibitions; and that the said sums shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay over the same into the public treasury annually; and in case of non-payment on demand, the clerks of the said courts, or any justice of the quorum or of the peace, are hereby authorized and required forthwith to issue an execution, directed to the sheriff, or any constable of the district, against the body or goods of the person or persons liable to pay the same: *Provided nevertheless*, That nothing in this clause contained shall be construed to effect any incorporated town or city.

Attorney-general and solicitors to make return of monies collected for the bank.

IV. *And be it further enacted*, That the attorney-general and each of the solicitors of this State respectively, shall, on or before the first days of January and August, in each and every year, make, to the president and directors of the Bank of the State of South Carolina, or to the president and directors of its branches, (as the case may require,) a full and particular return of the business or suits placed in his hands by any of the officers of the said bank or its branches; and in default of such return, such defaulter shall forfeit the sum of five hundred dollars; and the comptroller-general is hereby directed to withhold such defaulter's salary till such return be made.

Tax on stock in trade.

V. *And be it further enacted* by the authority aforesaid, That twenty-five cents be levied on every hundred dollars of goods, wares and merchandizes, usually called stock in trade, which may have been purchased for sale, trade, barter or exchange, at any time during the year preceding the first day of January, one thousand eight hundred and twenty-three, to be ascertained and valued by the assessors and collectors throughout this State, according to the best of their knowledge and information; and the party making such return shall take the following oath or affirmation; "I, A. B. do solemnly swear, (or affirm) that the return which I now make is a just and true return of all goods, wares and merchandizes, which were purchased by me for sale, trade, barter or exchange, since the first day of January, one thousand eight hundred and twenty-two; and also a just and true return of all goods, wares and merchandize which I have received for sale, barter or exchange, during that period, either as agent, attorney or consignee. So help me God."

Balances of appropriations to be considered as unappropriated.

VI. *And be it further enacted* by the authority aforesaid, That all balances of appropriations for public buildings, remaining in the treasury after the completion of such buildings, shall be considered a part of the unappropriated monies of the treasury.

One fourth of Paper Medium called in.

VII. *And be it enacted* by the authority aforesaid, That the treasurer of the lower division be, and he is hereby, authorized and empowered to call in one fourth part of the principal, with all the interest, due upon the bonds due to the paper medium loan office, giving due notice thereof.

Mortgaged property to be sold in Charleston.

VIII. *And be it further enacted* by the authority aforesaid, That all sales of property, mortgaged to secure the payment of the bonds originally given to the paper medium loan office, shall be made in the city of Charleston, by the treasurer of the lower division, as heretofore, after giving the notice required by law.

A clause of an Act repealed.

XI. *And be it further enacted* by the authority aforesaid, That the twelfth enacting clause of the Act to raise supplies for the last year, which authorizes the commissioners of free schools to draw on the treasury of the

division in which they reside, for the monies appropriated for free schools, in the same manner as they have heretofore been authorized to draw on the comptroller-general, be, and the same is hereby, repealed.

A. D. 1822.

X. *And be it further enacted*, That all orders hereafter drawn by the commissioners of free schools throughout this State, shall be drawn on the comptroller-general, who shall, if they have complied with all the requisitions of the Acts relating thereto, give his warrant on the treasury for the same; and no commissioner, of free schools in this State shall hereafter, at any one time, draw out the whole sum granted for such free schools, but shall, in the orders which they draw, specify the name of the teacher in whose favor they are drawn, the name or number of the school, and the length of service rendered therefor; and no warrant shall be granted by the comptroller-general, on any orders not drawn in pursuance of this Act, and the Act establishing free schools, passed in December, one thousand eight hundred and eleven.

Commissioners of free schools to draw on the comptroller.

XI. *And be it enacted* by the authority aforesaid, That the comptroller-general shall in no case draw his warrant in favor of any free school which shall not have made a satisfactory return to the legislature, as required by law.

Comptroller not to pay such as have made no return.

XII. *And be it further enacted*, That if any tax collector within this State shall refuse and neglect to make his return, and pay the taxes, within the time prescribed by law, which had been received by him, it shall be the duty of the treasurer, within whose division such default shall be made, in addition to the coercive power which he now possesses, to charge the said collector with the interest, at the rate of five per cent per month, from the time he ought to have made such return and paid the taxes, to the time of such settlement.

Defaulting collectors to pay 5 per cent a month.

XIII. *And be it further enacted*, That if any transient person or persons, not resident in this State, shall at any time sell, or expose to sale, any goods, wares or merchandize whatsoever, in any house, stall or public place, after the first day of January in each year, such person shall make a return upon oath, within ten days after commencing to sell as aforesaid, of the whole amount of the stock in trade he may have possessed at that time, to the tax collector of the district or parish in which the said goods, wares or merchandize shall have been or may be sold or exposed to sale; and if any person shall neglect or refuse to make such return as aforesaid, within the term prescribed above, he shall, on conviction thereof by indictment, forfeit and pay the sum of not more than one thousand dollars, unless such person shall have paid for and procured a license, according to the provisions of the Act entitled "An Act to increase the price of license to hawkers and pedlars."

Transient persons to return stock in trade.

XIV. *And be it further enacted* That it shall be the duty of such tax collector to proceed to collect, from such person so selling as aforesaid, the tax required by law to be paid on stock in trade, within five days after receiving such return.

The tax to be paid on the same.

XV. *And be it further enacted* by the authority aforesaid, That it shall be the duty of every taxable inhabitant of this State, who shall, since his last return, and prior to the first day of October last, have sold any real or personal property liable to tax, (except stock in trade) to give information at the time of making his next return, of such sale, and the name of the person to whom sold, to the tax collector of the district in which he may reside, to the end that the said collector may be the better enabled to collect the public dues.

Information to be given of property sold.

XVI. *And be it further enacted* by the authority aforesaid, That any person or persons who shall, after the passing of this Act, open or keep

Tax on persons who sell Lottery tickets.

A. D. 1822.

open any office for the sale of lottery tickets, or who shall sell within this State any lottery tickets in any other lotteries than those that are or may be authorized by the laws of this State, shall be subject to indictment, and, upon conviction thereof, shall forfeit and pay to the State aforesaid the sum of ten thousand dollars; and it shall be the duty of the tax collector of the district in which such lottery office shall be opened, or lottery tickets shall be vended, to prosecute the violators of this law; and the tax collector, or any other person, in case of the conviction of any offender under this law, on his prosecution, shall be entitled to receive twenty per cent on the fine recovered under this Act.

Phoenix Insurance Company allowed to underwrite.

XVII. *And be it further enacted* by the authority aforesaid, That the Phoenix Insurance Company be, and they are hereby, authorized and permitted to underwrite any policy or policies of insurance, of any kind whatsoever, and of any value, as fully and as completely as they were permitted to do anterior to the Act for the year one thousand eight hundred and fourteen; *provided*, the said company pay into the treasury of the State, four thousand dollars.

Fine for not paying over road and poor tax.

XVIII. *And be it further enacted*, That if any tax collector within this State neglect or refuse to pay such money as he may have collected as a road or poor tax, within five days after the first Monday in July, in each and every year, if applied to by the proper authority, he shall be liable to pay five per cent per month; and the Chairman of the Board of Commissioners of the roads, or the Chairman of the Board of the Commissioners of the poor, as the case may be, shall bring suit; and should he recover in any court having jurisdiction thereof, he shall recover treble costs.

Salaries, &c. how to be paid.

XIX. *And be it further enacted* by the authority aforesaid, That the treasurer of each division be, and he is hereby, authorized to pay the salaries of the officers resident in his respective division; the contingent accounts passed against his division; the jurors and constables certificates for attendance on courts in his division; and all other appropriations shall be paid by the treasurer of the upper division, unless otherwise directed by law; and it shall be the duty of each of the treasurers, whenever he shall make any payment, to take a duplicate receipt, and forward the same to the comptroller-general with his monthly report.

Clerks of courts to collect and pay over fines.

XX. *And be it enacted* by the authority aforesaid, That it shall be the duty of the several clerks of the courts in this State to collect and receive all fines inflicted and forfeitures recovered in their respective courts, and to pay the same over to the treasurer of the division in which they reside respectively, on or before the first day of October in each and every year; and to render an account to the comptroller-general, as heretofore required by law; and no clerk of the court in this State shall be allowed to retain any monies received by him for fines and forfeitures, on the ground of the State's being indebted to him for fees of office.

Superintendent of public works, how to make contracts.

XXI. *And be it enacted* by the authority aforesaid, That the Superintendent of Public Works shall in no case contract for the expenditure of more money than shall be appropriated by the legislature for that year; or make any contract which shall be binding on the State, for more money than the amount of the appropriation for the year for which they are elected.

Stock of this State to be sold.

XXII. Whereas, the fund created by the Act to raise supplies for the year 1820, for the payment of the interest on, and final extinguishment of the stock thereby authorized to be issued, is more than sufficient to answer that purpose; *Be it enacted by the authority aforesaid*, That the President and Directors of the Bank of the State shall be, and they are hereby, authorized and empowered to sell, for ready money, after due

notice given in some of the gazettes of the city of Charleston, a sum not exceeding two hundred thousand dollars of stock of this State, bearing an interest of five per cent, at such times, and in such sums, and at such places, as they may think advisable; *provided*, the same shall not at any time be sold under par.

A. D. 1822.

XXIII. *And be it further enacted*, That the treasurer of the lower division, under the direction of the comptroller-general, shall, from time to time, as he may be called on by the Bank of the State, make out certificates of stock, bearing an interest of five per cent, payable quarter yearly, in the names of such persons, and for such sums, as the President and Directors of said Bank, by resolution of the Board thereof, may require, not exceeding, in the whole, the aforementioned sum of two hundred thousand dollars; and it shall be the duty of the treasurer of the lower division to conduct the business in relation to the stock hereby directed to be issued, in the same manner as he now does the stock issued under the Act of 1820.

Certificates of Stock to be made out.

XXIV. *And be it enacted* by the authority aforesaid, That the following shall be the form of the certificates authorized to be issued.

Form of certificate.

"STATE OF SOUTH CAROLINA.

No. ——— Charleston.

Be it known that there is due from the State unto ——— or assigns, the sum of ——— bearing interest of five per cent per annum, payable quarter yearly, and not subject to redemption before the ——— day of ——— one thousand eight hundred and forty-two, created by virtue of an Act to raise supplies for the year 1822, which debt is transferrable only by the proprietor or proprietors, or their attornies, in the books of the treasury in Charleston.

————— Treasurer.

XXV. *And be it further enacted*, That every certificate of stock issued under this Act shall be countersigned by the comptroller-general for the time being.

To be countersigned

XXVI. *And be it further enacted*, That the stock to be issued under the authority of this Act shall not be redeemable by the State before the first day of January, one thousand eight hundred and forty two; and the faith of the State, the capital of the Bank of the State of South Carolina, and the annual dividends of the said Bank, are hereby solemnly pledged for the payment of the interest, and the final redemption, of the said debts.

This stock not redeemable until 1842.

XXVII. *And be it further enacted*, That the comptroller-general do, and he is hereby required to, report to the legislature, at their next session, the amount of stock which may be issued under this Act.

Comptroller to report to the Legislature the amount of stock sold.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of American Independence

JACOB BOND L'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY-TWO; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2301.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority

A. D. 1822.

Appropriations

of the same, That the following sums be appropriated for the salaries of the public officers, and other expenses and purposes of government.

For the salary of the Governor, three thousand five hundred dollars.

For the salary of the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of six Judges of the court of Common Pleas, each three thousand five hundred dollars.

For the salary of one judge of the court of common pleas, two thousand five hundred and seventy-two dollars.

For the salaries of five Judges of the Court of Equity, each three thousand five hundred dollars.

For the salary of the Attorney-General, twelve hundred dollars.

For the salary of the Comptroller-general, stationary included, two thousand five hundred dollars.

For a clerk to the Comptroller-general, one thousand dollars; which clerk shall be appointed by and removed at the pleasure of the Comptroller-general.

For the salary of five Circuit Solicitors, in lieu of all charges against the State, for the performance of every thing appertaining to their respective offices, each seven hundred dollars.

For the salary of the Treasurer in Charleston, and for transacting the business of the loan office, and six per cent. stock of the State, and clerks, three thousand dollars.

For the salary of the Treasurer in Columbia, including clerks, two thousand dollars.

For the salary of the Clerks of the Senate and House of Representatives, each twelve hundred and thirty dollars, to be paid at the adjournment of the Legislature.

For a contingent fund, subject to the draft of the Governor, for the expenditure of which he shall submit an annual account to the Legislature, six thousand dollars.

For the Transient Poor, payable to the City Council of Charleston, twelve thousand dollars.

For the City Council of Charleston, to execute the quarantine laws, one thousand dollars.

For the expenses of the Members of the Legislature at the present session, and pay to the Solicitors for their attendance, eighteen thousand dollars; if so much be necessary.

For two Doorkeepers of the Legislature, at the present session, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature.

For two Messengers, each two hundred and fifty dollars, to be paid at the adjournment of the legislature.

For the rent of the Governor's house in Columbia, three hundred dollars.

For the discharge of the contingent expenses of the lower division, a sum not exceeding ten thousand dollars, if so much be necessary.

For the discharge of the contingent expenses of the upper division, a sum not exceeding twenty thousand dollars.

For aid in supporting the transient poor of Georgetown, the sum of eight hundred dollars; to be paid to the commissioners of the poor of Prince George Winyaw, to be expended by them for the support of the transient poor; the said commissioners to publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sums laid out for each, as may have been relieved by the fund; and shall return, on oath, an account of such expenditures, to the comptroller-general, to be by him submitted to the legislature.

For the salary of two tutors in the South Carolina College, each one thousand dollars.

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For the Professors of Logic and Moral Philosophy, Languages, and the Mathematics, of the South Carolina College, each the sum of two thousand dollars.

For the Professor of Logic and Moral Philosophy, for attending to and discharging the duties required of him by the board of Trustees, in the department of Metaphysics, in the years one thousand eight hundred and twenty, and one thousand eight hundred and twenty-one, and one thousand eight hundred twenty-two, one thousand dollars.

For the Professor of Logic and Moral Philosophy for the ensuing year, for attending to and discharging the duties of Professor of Metaphysics, five hundred dollars.

For Dr. Cooper, for discharging the duties of Belles Lettres, in addition to his duties as Professor of Chemistry, for the years one thousand eight hundred and twenty, and one thousand eight hundred and twenty-one, five hundred dollars.

For the salary of the President of the South Carolina College, three thousand dollars.

For the Professor of Geology and Mineralogy, one thousand dollars.

For the commons and other incidental expenses of one student in College from the Orphan House, for the ensuing year, to be paid to the Cashier of the Branch of the Bank of the State of South Carolina, for the use of the said student, two hundred and sixty dollars.

For the pay of magazine guard, to consist of an officer, sergeant and twelve men, to be paid by and under the control of the comptroller-general, four thousand dollars.

For the assessor of the parishes of St. Philip and St. Michael, eight hundred dollars.

II. *And be it further enacted* by the authority aforesaid, That the sum of thirty-seven thousand dollars be appropriated for the support of free schools; and that the commissioners of free schools be authorized to draw for the unexpended balance of balances of appropriations heretofore made for the schools in their several districts, to be drawn in the manner pointed out by this Act.

Appropriation
for free schools,
how to be
drawn.

For the salary of the Librarian of the Legislature, one hundred dollars.

For the salary of the Librarian of the South Carolina College, four hundred dollars.

For claims agreed to by both branches of the Legislature at the present session, twenty thousand dollars, if so much be necessary.

For completing the buildings for the Lunatic Asylum, on the plan adopted by the commissioners, sixteen thousand five hundred dollars.

For public buildings, one hundred and twenty-seven thousand six hundred and forty-nine dollars and ninety-eight cents, in conformity with the report of the committee on public buildings, if so much be necessary.

For pensions agreed to by the Legislature at different times, fourteen thousand dollars, if so much be necessary.

III. *Be it further enacted* by the authority aforesaid, That the sum of two hundred thousand dollars be appropriated for the internal improvement of the State, to be expended as follows, viz :

On the Columbia canal, locks, dams and works attached thereto, a sum not exceeding forty thousand dollars.

For Lockhart's canal, and works attached thereto, a sum not exceeding thirty-six thousand six hundred and seventy-seven dollars.

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For Laudsford canal, and works attached thereto, a sum not exceeding thirty-eight thousand five hundred dollars.

For Catawba canal, and works attached thereto, a sum not exceeding thirty-eight thousand five hundred dollars.

For Wateree canal, upper section, and works attached thereto, a sum not exceeding twenty thousand dollars.

For road between Charleston and Columbia, a sum not exceeding seventeen thousand two hundred and twenty-three dollars.

For assessment of land necessary to canals, one thousand six hundred dollars.

For contingent expenses attending the above works, a sum not exceeding two thousand dollars.

Contractors at
Lockharts and
other canals.

For salaries, five thousand five hundred dollars: *Provided*, that if any of the contractors on the Lockhart, Landsford, Catawba or Wateree canals, shall receive any part of the appropriation hereby made beyond the amount now actually due for work done or partly done, as stated in exhibit A, accompanying the report of the committee on internal improvement, made to the Legislature at its present session, then and in that case, such payment shall be made on the condition that such contractor undertakes to finish and complete the works embraced within his contract, within the amount stated in the last column of said exhibit, on or before the first day of November next, and the receipt of the said money shall be evidence that he has entered into such undertaking.

For the Clerk of the Court of Richland district, for attending the Constitutional Court, one hundred and forty dollars.

For the Clerk in Charleston, one hundred and fifty dollars.

For the Commissioner in Equity, for attending the Court of Appeals in Columbia, one hundred dollars.

For the Sheriff of Richland district, for attending the Constitutional and Appeal Courts at Columbia, one hundred and fifty dollars.

For the Sheriff of Charleston district, for attending the Constitutional and Appeal Courts in Charleston, one hundred and fifty dollars.

For the keeper of the State House in Columbia, one hundred and thirty dollars.

For the Arsenal keeper in Charleston, six hundred dollars.

For the salary of the Port Physician in Charleston, for boat hire and all other expenses incident to the office, one thousand dollars.

For the arsenal keeper and powder receiver in Camden, three hundred dollars.

For the arsenal keeper in Abbeville, one hundred and fifty dollars.

The arsenal keepers and powder receivers in Georgetown and Beaufort, each two hundred and fifty dollars.

For the pilot of the bar and harbour of Beaufort and Georgetown, each three hundred and twenty dollars.

For annuities, nine thousand dollars, if so much be necessary.

For the Adjutant and Inspector General, two thousand dollars.

For the pay of the magazine guard of Camden, to consist of an officer, sergeant, and twelve men, to be paid by and under the direction of the Comptroller-general, two thousand four hundred dollars.

Salary of Su-
perintendent of
public build-
ings.

IV. *And be it further enacted* by the authority aforesaid, That the sum of twenty-five hundred dollars be, and the same is hereby, appropriated as a salary for a superintendant of public buildings, whose office is created, and to exist only for one year, whose duty it shall be to superintend and carry on the public buildings already undertaken in the different districts throughout the State; and to contract for, superintend, carry on and

complete any other public buildings directed by law; and whose further duty it shall be to make a special report to the next session of the Legislature, of each and every building so superintended, contracted for, carried on, and completed by him, and also of the expenditures made on said buildings: And that the said superintendant shall be elected by joint ballot of the Legislature, and give bond and security in twenty thousand dollars, for the faithful performance of his duties.

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V. *Be it further enacted* by the authority aforesaid, That nine hundred dollars be, and are hereby, appropriated for the purpose of aiding in the publication of a Digest of the Laws of South Carolina, by Benjamin James; which sum is to be deducted from the price of said digest in the sale hereafter made in this State: And also six hundred dollars for the defraying of the expenses of publishing the third volume of Constitutional Court Reports, by Daniel Faust.

Appropriation
for James's
Digest.

VI. *And be it further enacted* by the authority aforesaid, That all the property, either real or personal, which hath heretofore escheated, or may hereafter escheat, in Greenville district, shall be, and the same is hereby, vested in the trustees of the Greenville Academy, for the use of that institution; until it shall amount to five thousand dollars; saving and reserving to the Legislature the right to dispose of the same to any person who may be equitably entitled to it.

Escheated prop-
erty vested in
the Greenville
Academy.

VII. *Be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to cause the execution now in the hands of the sheriff of Edgefield, against Jacob Lorick, for a double tax, to be cancelled, on his paying the fees of the collector and sheriff thereon.

J. Lorick
for a relieved.

VIII. *Be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to draw a warrant in favor of Willard Watson, for the sum of fifty dollars, a fine imposed on him at the Court of Sessions for Newberry district, and by him paid, and which fine was remitted by the Governor.

Appropriation
for William
Watson.

To Beaufort T. Watts, Secretary of State, for transcribing grants and making indexes to grants, in dictionary order, eight thousand seven hundred and forty-five dollars fifty-cents.

To Daniel H. Tillinghast, surveyor-general, for copying grants and plats in his office, four thousand six hundred and twenty-eight dollars.

IX. *Be it enacted* by the authority aforesaid, That the late survey made by J. Wilson, Esq. by order of the commissioners appointed by the Legislature, accompanied by a plat or map of the harbour of Charleston, establishing the boundaries thereof, and fixing the limits of wharves in the said city, shall be, and the same is hereby, established and confirmed in all its parts; and that it shall be the duty of the said commissioners to have the said map recorded.

Map of
Charleston
harbour estab-
lished.

To Wm. Cline, for extra printing, formerly done by D. Faust, but now by said Cline, three hundred and fifty dollars.

X. *And be it further enacted* by the authority aforesaid, That so much of the interest, not exceeding five thousand dollars, of the monies loaned to Henry Shultz, in December, eighteen hundred and twenty-one, by this State, as may become due in the year eighteen hundred and twenty-three, be, and the same is hereby, appropriated to building a bridge over Stevens' creek, near Anderson's mill, in Edgefield district, under the superintendence of the said Henry Shultz, with the board of commissioners of the roads of the lower battalion of Col. Whaley's regiment in said district, or a majority of them; the said board with the said Henry, laying before the next Legislature, for their scrutiny, a detailed estimate of the work, and an account of the actual expenses of the same.

Bridge to be
built over
Stevens'
creek.

A. D. 1822.

Wall's Cut to
be opened.

XI. *And be it further enacted* by the authority aforesaid, That James Kirk, Benjamin F. Scott, George J. Logan and Henry Shultz, be, and they are hereby constituted, a board of commissioners to contract for and superintend the opening of Wall's Cut, on the inland passage between Charleston and Savannah river; that Benjamin Seabrook, James Mair and Henry Shultz, be constituted commissioners to contract for and superintend the opening of Bull's Cut and Wappoo Cut, on the same inland passage; and that they, or a majority of them, be authorized to draw on the treasurer of this State for the sum of fifteen thousand dollars, if so much be necessary, for opening Wall's Cut, and the sum of five thousand dollars, if so much be necessary, for opening Bull's Cut and Wappoo Cut.

Return to be
made of the
expense
incurred.

XII. *And be it further enacted*, That the said commissioners, or a majority of them, do return, to the next sitting of the Legislature, a true estimate and account of the work contracted for and done, and of the sums expended for the same, by each board respectively.

Black river to
be cleared out.

XIII. *And be it further enacted* by the authority aforesaid, That the sum of five hundred dollars be, and the same is hereby, appropriated for the purpose of clearing out Black river, in the district of Williamsburgh, commencing at Lowry's bridge, on said river, and ending at North's ferry.

Indulgence
granted to the
Charleston
Bridge Com-
pany.

XIV. *And be it further enacted* by the authority aforesaid, That the comptroller be, and he is hereby, authorized to grant an indulgence of three years to the Charleston Bridge Company, on their bond for ten thousand dollars; the said bridge company paying the annual interest thereon; the surities to the said bond consenting to said indulgence.

Appropriation
for William
Drakeford.

XV. *Be it further enacted*, That the sum of one hundred dollars be appropriated to the payment of William Drakeford, for taking the census of Kershaw district, as additional compensation, agreeably to a special agreement with the Governor.

To Nathan Johnson, ten dollars, for his services in distributing writs of election in the parish of St. Luke's.

For improvements to the book case in the Senate chamber, or procuring any other more convenient place of deposit for the journals and other papers and records of the Senate, payable to the clerk of the Senate, and to be applied by him to that purpose, fifty dollars, if so much be necessary.

For Drs. Bragg & McCleary, under joint resolution, twenty-six dollars thirty-seven and a half cents.

D. Faust, for printing Acts and Resolutions, and Journals of the Senate, eleven hundred and fifty dollars.

Wm. Cline, for printing journals of the House of Representatives, seven hundred dollars.

For repairs to the College, if so much be necessary, fifteen hundred dollars.

For Lewis R. Sams, for a negro executed, one hundred and twenty-two dollars and forty-three cents.

For flooring the Treasury Office, Columbia, one hundred dollars.

For Randolph & Philips, under joint resolution, one thousand and eleven dollars and sixty-two cents.

Refund to M.
Bradley.

XVI. *And be it enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to refund to Mrs. Margaret Bradley, a double tax of twenty-one dollars forty-four cents: *Provided* the same has been paid into the treasury.

John Killog, under joint resolution, one thousand dollars, for continuing the index to the papers in the secretary of State's office, Charleston, under the direction of the commissioners already appointed, eighteen hundred dollars.

For apprehending and dieting certain slaves and free persons of colour, now in confinement in the work-house of Charleston, under a charge of attempting an insurrection in this State, two thousand two hundred and eighty-four dollars eighty-two cents. A. D. 1822.

XVII. *Be it further enacted* by the authority aforesaid, That a sum not exceeding one thousand dollars, out of the fund arising from the sale of lots in the town of Columbia, be, and is hereby, appropriated to making such repairs in the public offices and court-house in said town, as may be deemed necessary by the commissioners of public buildings for Richland district. Public offices and court-houses in Columbia to be repaired.

XVIII. *Be it enacted* by the authority aforesaid, That the sum of one thousand and ten dollars be appropriated for the payment of the balance of C. J. Steedman's salary and per diem pay, as agent of the State in settling the military claims against the United States. Balance of salary to be paid to C. J. Steedman.

For the purpose of employing counsel in a suit against Chesley Daniel, to try title to a tract of land, called the Jocasa Valley, under the direction of the comptroller-general, one hundred dollars.

For Dr. Eli S. Davis, for attendance on prisoners confined in Abbeville gaol, by joint resolution, forty dollars and fifty cents.

For Meshac Williams, under a joint resolution, one hundred and sixty-eight dollars sixty-two cents.

XIX. *And be it enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized and empowered to invest the sum appropriated in the year eighteen hundred and fifteen, for the payment of the lots taken for the public lines near Charleston, which belonged to the devisees of Henry Laurens, in such public stock as Francis Henderson may wish; the said certificate of stock to be taken in the name of the State, in trust for such person or persons as may hereafter give a good and sufficient title to the State for the said lots, paying over to the said Francis Henderson, for life, the dividends to be received from said stock, as the same shall be received. Appropriation to pay for lots at the lines in Charleston.

XX. *And be it enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to refund to James Tate, or his attorney, two thirds of a triple tax paid by him. Refund to James Tate.

XXI. *And be it enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to settle with A. Barksdale, sheriff of Laurens district, for sundry double tax executions lodged with him by the collector of that district; and on its appearing to the comptroller that he has duly accounted for all the monies received by him, agreeable to the report of the committee of this house on the subject, that he do give the said A. Barksdale a credit for the balance with which he now stands debited in the books of the treasury for the said executions. Comptroller to settle with A. Barksdale.

For Daniel R. Towers, for work done upon the public lot in the village of Pendleton, the sum of sixty dollars and twelve and a half cents.

Thomas Heriot, under joint resolutions, four hundred dollars.

Dr. T. Porcher, under joint resolutions, forty dollars.

For the purpose of defraying the expenses which attended the survey of the harbour of Charleston, opposite the said city and the wharves thereof, and making a plat of the same, seven hundred and eight dollars thirty-eight cents, under joint resolution.

XXII. *And be it enacted* by the authority aforesaid, That all former appropriations for public buildings, be, and the same are hereby, repealed, except as to the court-house and gaol of Marlborough district, and the court-house and gaol of Colleton district. Former appropriations repealed.

J. W. Jennerett, gaoler of Georgetown, under joint resolution, one hundred and twenty-five dollars.

A. D. 1822.
 Appropriation
 for Daniel
 Cook.

XXIII. *And be it further enacted* by the authority aforesaid, That the sum of one hundred and twenty-two dollars and forty-four cents be appropriated, and the same is hereby appropriated, for Daniel Cook, as compensation for a slave who died under sentence of execution.

For Francis and Peter Perrett, in remission of a double tax, twenty-six dollars seventy-four cents.

Indulgence
 granted to the
 purchasers of
 public lands.

XXIV. *And be it enacted* by the authority aforesaid, That a further indulgence of one year be granted to the purchasers of public lands in Pendleton: *Provided* their surities consent to the same: *And provided further*, that the comptroller be satisfied of the sufficiency of the security to said bonds.

J. S. Cogdell's
 bond to be
 cancelled.

XXV. *And be it enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to cancel the bond of J. S. Cogdell, late comptroller-general, if it shall appear to him that the official transactions of the said J. S. Cogdell have been correct.

Also that of
 John Key.

XXVI. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to cancel the bond of John Key, former tax-collector of Edgefield.

Also that of B.
 T. Elmore.

XXVII. *And be it further enacted* by the authority aforesaid, That the treasurer of the upper division be, and he is hereby, authorized to cancel the bond of B. T. Elmore, late treasurer of the upper division.

Comptroller to
 examine the
 returns of
 clerks of
 courts.

XXVIII. *And be it enacted* by the authority aforesaid, That all the reports of the several clerks of courts in this State, of fines and forfeitures, made to the Legislature at the present session, be returned to the comptroller-general, whose duty it shall be to examine the same, for the purpose of ascertaining whether they have paid over the monies received by them to the treasury; and in case it shall appear to that officer that they have not duly accounted for all the fines and forfeitures received by them, then and in that case, it shall be his duty to take all legal steps for the recovery thereof.

Refund to W.
 S. Skinner.

XXIX. *And be it enacted* by the authority aforesaid, That the comptroller-general be, and is hereby, authorized to refund two thirds of a treble tax to Wm. S. Skinner, agent to the Duke of Argyle, guardian of Wm. C. Campbell: *Provided* the same has been paid into the treasury.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB BOND P'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2302. AN ACT to vest power in the City Council of Charleston to prevent the retailing of Spirituous Liquors, without a License.

(Passed December 20, 1823. See last volume.)

A. D. 1823.

AN ACT TO TRANSFER TO THE INTENDANT AND WARDENS OF THE TOWN OF COLUMBIA THE POWER AND DUTY OF ORGANIZING, REGULATING, AND SUPERINTENDING THE PATROL WITHIN THE LIMITS OF SAID TOWN; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2303.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of January, which will be in the year of our Lord one thousand eight hundred and twenty-four, the power and duty of organizing, regulating and superintending the patrol within the limits of the town of Columbia, be, and the same are hereby, transferred to, vested in, and devolved upon the intendant and wardens of said town, who are hereby vested with full power to make all such ordinances relative to the time and manner of performing patrol duty within the limits of the said town, as may be necessary to preserve the peace, good order, and safety of the inhabitants thereof. Town council to regulate patrol.

II. *And be it further enacted* by the authority aforesaid, That in case of the sickness or temporary absence from said town of the intendant aforesaid, the said wardens, or five of them, may elect, from amongst themselves, an intendant pro tempore, to act as intendant during such sickness or temporary absence; and that the said intendant pro tempore, and any four or more of the said wardens, shall constitute a quorum, to do the business of the board. Intendant pro tempore how chosen.

III. *And be it further enacted* by the authority aforesaid, That the intendant and wardens of the said town be, and they are hereby, authorized and empowered to issue an execution against the body of every person, for any sum of money, against whom an execution against the property of such person shall have been previously issued for the same, and a return thereon, made by the marshal of the said town, on oath, that no property of such person could be found, wherewith to satisfy such execution; and upon his said arrest, he is hereby entitled to have the benefit of the gaol bounds Act, before a magistrate instantler, upon notifying the intendant thereof. May issue execution for fines.

IV. *And be it further enacted*, That the intendant and wardens of the said town of Columbia, be, and they are hereby, constituted commissioners of the poor in the said town, and that all the authority that is by law given to commissioners of the poor in this State, shall enure to said intendant and wardens, to the full limits and extent of the said town; any law, usage, or custom to the contrary notwithstanding. Commissioners of the poor.

V. *And be it further enacted*, That the jurisdiction and authority of the commissioners of the poor for Richland district, shall, from and after the passing of this Act, cease and determine within the limits of the said town.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

A. D. 1823.

No. 2304. AN ACT TO EXPLAIN AND AMEND AN ACT ENTITLED "AN ACT TO PREVENT THE PERNICIOUS PRACTICE OF DUELLING."

I. Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the Authority of the same, That from and after the passing of this Act, upon the trial of all indictments for duelling, which shall hereafter be prosecuted in this State, any person concerned therein, either as principal or second, or as counselling, aiding and abetting in such duel, shall and may be compelled to give evidence against the person or persons actually indicted, without criminalizing himself, or subjecting or making himself liable to any prosecution, penalty, forfeiture or punishment on account of his agency in such duel; and in every case where two or more persons shall be charged in any indictment for fighting a duel, or being concerned therein, either of such persons may be used as a witness or witnesses in behalf of the State, by having his or their names stricken out of the indictment, or otherwise, at the discretion of the attorney-general or solicitor conducting such prosecution, of which an entry shall immediately be made on the minutes of the court; and in case any such person or persons so used as a witness or witnesses in behalf of the State, in any prosecution for fighting a duel, or for being concerned therein, shall afterwards be indicted for the same offence, the fact of his or their being used as a witness or witnesses on the former prosecution for the same offence, shall and may be pleaded in bar to such subsequent indictment, and on proof thereof, by competent evidence, such person or persons shall be thereof acquitted and discharged.

Any one concerned in a duel may give evidence without criminalizing himself.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND P'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2305. AN ACT TO REPEAL AN ACT ENTITLED "AN ACT SUPPLEMENTARY TO THE VENDUE ACT, PASSED THE SEVENTEENTH DAY OF MARCH, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND EIGETY-FIVE, GIVING THE OWNERS OF PROPERTY DISPOSED OF BY VENDUE-MASTERS OR AUCTIONEERS, SUMMARY REDRESS AGAINST THEM FOR THE AMOUNT OF THE SALES THEREOF."

I. Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, so much of an Act passed in December, one thousand eight hundred and fifteen, entitled "An Act supplementary to the vendue Act," as deprives auctioneers from receiving the benefit of the insolvent debtors and prison bound Acts, be, and the same is hereby, repealed.

Auctioneer entitled to benefit of insolvent laws.

II. *And be it further enacted*, That any citizen of this State shall be at liberty to sell, at auction, either his own or the property of any other person; *provided*, he secures to the State or city, as the case may be, the duties which are or may be imposed by law on sales at auction. A. D. 1823.
Who may be
Auctioneer.

III. *And be it further enacted*, That every vendue-master and auctioneer, before he shall act in such capacity, be compelled to give to the council of the city or town where he may reside, full and ample security for the due and faithful performance of his duty as auctioneer or vendue-master, as the case may be. To give bond.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE OFFICE COPIES OF WILLS, IN CERTAIN CASES, No. 2306.
TO BE GIVEN IN EVIDENCE.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, in all actions now pending, or hereafter to be commenced, exemplifications of wills, under the hand of the Ordinary, and seal of the court in which such will may have been admitted to probate, or under the hand and seal of any other officer who has legal possession of the same, shall be admissible in evidence in any of the courts of law or equity in this State, whether the same may regard the title to real or personal property; *provided* the party offering such exemplification shall give to the opposite party or his attorney, at least sixty days notice of such his intention, previous to the trial; any law, usage or custom to the contrary thereof in any wise notwithstanding. Office copies of
wills may be
given in evi-
dence.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO PROVIDE FOR THE ACCOMMODATION OF THE COURT OF COMMON PLEAS AND SESSIONS IN CHARLESTON. No. 2307.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the court of common pleas and sessions, for Charleston district, shall be held on the second floor of the State House, in Charleston, in the chamber
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heretofore occupied by the circuit and district courts of the United States; and the judges and officers of the United States shall, until otherwise directed, be allotted to occupy the chamber heretofore allotted to the court of common pleas and sessions.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2308.

AN ACT CONCERNING THE SEAL OF THE STATE.

Preamble.

WHEREAS, the transmission of the seal of the State, from one office of the Secretary of State to the other, is highly inconvenient, and attended by risk of damage and loss:

Two copies of
the small seal
to be kept.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That there shall hereafter be two copies of the small seal of the State; one to be kept in the office of the Secretary of State in Charleston, and the other in the office of the Secretary of State in Columbia; and that the copy of the seal of the State, usually called the small seal, which has been procured by his Excellency John L. Wilson, Governor and Commander-in-chief in and over the State of South Carolina, shall be deposited in the office of the Secretary of State at Columbia, and hereafter used in the said office, as the seal of the State; any law, usage, or custom to the contrary notwithstanding.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2309.

AN ACT TO VEST IN ROBERT ECKLES THE TITLE AND INTEREST OF THE STATE TO A TRACT OF LAND.

WHEREAS, William Dyer, in his life time, was possessed of a tract of land containing one hundred and twenty-one acres, adjoining lands of Jacob Gaunt, John McClelland and Harvey Bowles; and whereas, Robert Eckles, on the third day of January, 1821, purchased the said tract of land from the said William Dyer, for the sum of seven hundred dollars, of which he has paid the sum of four hundred dollars, and is ready and willing to pay the balance thereof; and whereas, the said William Dyer gave the said Robert Eckles a bond for titles, but before the execution of titles departed this life intestate; and whereas, also, the said William Dyer was an alien, and left no heir at law or next of kin, capable of inheriting, except a widow:

I. *Be it therefore enacted* by the honorable the Senate and house of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the right, title and interest of the State, of, in, and to the said tract of land, be, and the same is hereby, vested in the said Robert Eckles, his heirs and assigns forever: *Provided* the said Robert Eckles shall pay to the administrator of William Dyer, deceased, the balance of the purchase money now due and unpaid.

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In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO ALTER AND AMEND THE LAW IN RELATION TO THE ACTION No 2310.
OF TRESPASS TO REAL ESTATE.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the ratification of this Act, in all actions of trespass to try title, or trespass *quare clausum fregit*, the service of the writ shall be good in whatever district the defendant shall be served, and the action shall be tried in the district in which the land is located.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO VEST IN THE TRUSTEES OF THE COLLEGE OF CHARLESTON, CERTAIN ESCHEATED PROPERTY IN THE PARISHES OF ST. PHILIP'S AND ST. MICHAEL'S. No. 2311.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of this State, in any real or personal estate within the parishes of St. Philip's and St. Michael's, which shall hereafter accrue by reason of any escheat or escheats, shall be, and the same is hereby, vested in the trustees of the College of Charleston, until the said trustees shall have received by virtue of this Act the sum of thirty thousand dollars; provided that nothing herein contained shall be construed to interfere with or divest the right which the State has heretofore conveyed in the escheated property in the said parishes, which must be first satisfied; provided also, that nothing in

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this Act shall be so construed as to prevent the Legislature from bestowing the escheated property in said district on such person or persons as may appear to them equitably entitled to the same.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2312. AN ACT TO PROVIDE A REMEDY AT LAW IN CASES OF JOINT CONTRACT, WHERE ONE OR MORE OF THE CONTRACTING PARTIES WHO OUGHT TO BE MADE DEFENDANTS, RESIDE OUT OF THE LIMITS OF THE STATE.

Where one party to a joint contract is out of the State, the other may be sued alone.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if two or more persons shall hereafter enter into any joint contract, or incur any joint liability arising from contract, and one or more of such persons so contracting or incurring such liability, shall depart from and reside out of the limits of this State, so that he, she, or they cannot be made a party or parties to an action at law, to enforce such contract or liability, that then and in that case, it shall and may be lawful for the person or persons having the legal right to enforce such contract or liability, to proceed against the party or parties resident within the State; and no plea in abatement shall be allowed, for and on account of such nonjoinder; but such proceeding shall be deemed and taken to be regular and valid, any law, usage or custom to the contrary notwithstanding; *provided* that the plaintiff or plaintiffs do state in his, her, or their declaration, that the person or persons so omitted, reside out of the limits of the State, and prove the same at the trial; *provided also*, that the said proceeding shall have no effect, so far as the party out of the State is concerned.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2313. AN ACT TO REGULATE THE MODE IN WHICH MARRIED WOMEN SHALL BECOME SOLE TRADERS OR DEALERS; AND FOR OTHER PURPOSES.

WHEREAS, the practice of making married women sole traders or dealers, is productive of fraud on the community;

Sole trader.

I. *Be it therefore enacted* by the Senate and House of Representatives, and by the authority of the same, That no woman having a husband

living, shall be entitled, either at law or in equity, to the rights of a free dealer, unless she shall give notice by publication in a public newspaper, of her intention to trade as a sole trader, which notice shall be published at least one month; and in case there is no newspaper published in the district, then the notice shall be published in the same way as sheriff's sales. A. D. 1823.

II. *And be it further enacted*, That no marriage settlement shall be valid until recorded in the office of the Secretary of State, and in the office of the register of mesne conveyances of the district where the parties reside; *provided* that the parties shall have three months to record the same, and if not recorded within three months, the same shall be null and void. Marriage contract.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT to establish certain Roads, Bridges and Ferries.

No. 2314.

(Passed December 20, 1823. *See last volume.*)

AN ACT TO PROHIBIT SHERIFFS AND THEIR DEPUTIES, UNDER CERTAIN PENALTIES, FROM PURCHASING EXECUTIONS LODGED IN THEIR OFFICES; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2315.

WHEREAS, some of the sheriffs of this State have been in the habit of buying or purchasing executions lodged in their offices at a considerable discount, which evil practice may result in the serious injury of the inhabitants thereof: Preamble.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of March next, if any sheriff or his deputy shall contract for, buy or purchase any judgment or decree of any court, or any execution or executions, lodged in his or their office, or cause the same to be done directly or indirectly, by any person or persons whomsoever, then and in that case, the said sheriff or his deputy shall forfeit and pay for every such offence, treble the amount of the money arising from such judgment or decree, or execution or executions, one half of which said forfeiture shall be paid into the treasury of this State for the use thereof, and the other half to him, her or them who shall inform or sue therefor; and the same shall be recoverable with full costs, by action of debt, bill, or plaint, in any court of record of this State.

II. *And be it further enacted* by the authority aforesaid, That if any person or persons whomsoever, shall, for or on behalf of any sheriff of

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Penalty if one
buys for the
sheriff.

this State, or his deputy, purchase or buy any judgment or decree of any court, or any execution or executions, every such person or persons so offending, on conviction thereof, shall forfeit and pay, for every such offence, treble the amount of money arising from such judgment or decree, or execution or executions; one half of which said forfeiture shall be paid into the treasury of this State, for the use and benefit thereof, and the other half to him, her or them who shall inform or sue therefor; and the same shall be recoverable with full costs, by action of debt, bill or plaint, in any court of record of this State.

III. *And be it further enacted*, That no deputy sheriff shall purchase any property at sheriff's sale, and each and every purchase made by any deputy sheriff, or by any person for such deputy, at sheriff's sale, shall be null and void.

Articles ex-
empt from
execution.

IV. *And be it further enacted*, That from and after the first day of March next, the following articles shall, in all cases of debt contracted after that period, be exempted from levy or sale for the same, to wit: to each family, two beds with necessary bedding; two bedsteads; one spinning wheel and two pair of cards; one loom, and one cow and calf; if a farmer, the necessary farming utensils; if a mechanic, the tools of his trade; the ordinary cooking utensils, and ten dollars worth of provisions.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND ION, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2316. AN ACT CONCERNING THE CANALS OF THIS STATE, AND FOR PROTECTING AND MAINTAINING THE SAME; AND FOR OTHER PURPOSES THEREIN MENTIONED.

Commissioners
to be appoint-
ed.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That there shall be appointed, by a joint resolution of both branches of the legislature, or in case of failure of such appointment, or of any vacancy occurring, by the superintendant of public works, a board of commissioners for each of the public works following, that is to say: one board to be called the Commissioners of the Columbia and Saluda canals, who shall have charge of the Columbia, Saluda and Bull Sluice canals, and all the works and property attached thereto; one other board, to be called the Commissioners of the Drehr canal, who shall have charge of the said canal, and all the works and property thereto attached; one other board to be called the Commissioners of the Broad River canal, who shall have charge of the canal at Lockhart's Shoals, and the works and property thereto attached; one other board to be called the Commissioners of the Landsford canal, who shall have charge of the said canal, and the works and property thereto attached; one other board to be called the Commissioners of the Catawba canal, who shall have the charge of the said canal, and the works and property thereto attached; one other board to be called the Commissioners of the Rocky Mount canal, who shall have the charge of the said canal, and the works and property thereto attached,

and of the portage around the great falls of Rocky Mount; and one other board who shall be called the Commissioners of the Wateree canal, who shall have the charge of the said canal, and the works and property thereto attached; and each of the said commissioners shall continue in office until another commissioner shall be appointed in his place by a joint resolution of both branches of the legislature.

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II. *And be it further enacted* by the authority aforesaid, That as soon as any of the canals constructed at the expense of the State shall be completed, the same shall thenceforth be under the care, superintendence and controul of the board to which the said canal belongs; and it shall be the duty of the said commissioners, to preserve, protect and keep in repair the same, and the locks and dams thereof, by means of the tolls and rents which shall be collected thereon.

Canals to be under their care.

III. *And be it further enacted* by the authority aforesaid, That the superintendant of public works, with the approbation of the respective commissioners of each canal, shall establish such tolls as he may deem proper and just, to be paid by boats, rafts and other vessels passing the said canals, or on the goods or other articles on board thereof; and he is hereby authorized, with the approbation aforesaid, from time to time, to make all such rules and regulations in respect to the collection and payment thereof, in respect to the size and structure of boats, rafts and other vessels on the water of the said canal, and in respect to all matters in any way connected with the navigation thereof, and to impose such forfeitures of money on free white persons, or such stripes on slaves and free persons of color, as he and the said commissioners may deem reasonable: *provided*, such forfeiture shall not exceed five dollars, nor ten stripes for one offence.

Toll collectors to be appointed

Tolls to be established with rules and regulations.

IV. *And be it further enacted* by the authority aforesaid, That the commissioners of each canal in this State which has been constructed at the public expense, shall have power to appoint one toll collector, who shall also be the lock keeper of the said canal, and also one able bodied bank ranger, both of whom they may remove from office at their pleasure; and the said commissioners shall cause the said collector, lock keeper and bank ranger, to perform the duties enjoined on them by this Act, and such other duties as shall be assigned them by the regulations established by the said commissioners and superintendant.

Toll collector, &c.

V. *And be it further enacted* by the authority aforesaid, That the toll collector and lock keeper of each canal shall give bond, with good security, in such sum as the said commissioners shall order and direct, conditioned for the faithful performance of his duties; and he shall keep a regular book, in which shall be entered the name of every boat, raft or other vessel, which passes the locks of the said canal, where tolls are directed to be collected, and to enter therein the amount of toll paid on the said boat, raft or other vessel, and the goods on board thereof; and shall pay the amount thereof, at the end of each quarter of the year, and as much oftener as the commissioners may require, into the Bank of the State, or some branch thereof, or to such person as the commissioners of the said canal may direct.

To give bond and security, &c.

VI. *Be it further enacted* by the authority aforesaid, That when any boat, raft or other vessel, shall have passed any canal, lock or locks, whereby it shall become liable to pay any toll, it shall be the duty of the toll collector to demand and receive the said toll; and in case of the refusal or neglect of the person having charge of the said boat, raft or other vessel, to pay the same, the collector shall issue, and he is hereby authorized to issue, his warrant of distress for the amount of the toll so refused

Their duties and powers

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or neglected to be paid, and to cause the said boat, raft or other vessel, or so much of the goods on board thereof as he may deem necessary to secure the said payment, to be immediately distrained; and the boat, raft or other vessel, and the goods so distrained, shall be disposed of in the same manner as goods distrained for rents arrear are or may be disposed of, by the laws of this State.

Boats to be
passed through

VII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the lock keeper of each canal, to pass through the locks thereof, every boat, raft or other vessel, that presents itself for passage between sunrise in the morning and sunset of the evening, except in the months of July, August and September, when he shall attend at such hours as the commissioners of each canal may require; and he shall not suffer any boat, raft or other vessel, to pass any of the locks of the canal, excepting the guard lock, but in his presence, or the presence of some other person to be appointed by him, with the approbation of the commissioners of the said canal.

How boats are
to pass through
the locks.

VIII. *And be it further enacted* by the authority aforesaid, That when any boat, raft or other vessel, in descending from a higher to a lower level, shall pass through any lock, previously to the said boat, raft or other vessel moving into the said lock, the lock keeper shall shut the lower gates of the said lock, and the wicket gates thereof, before he shall open the upper gates or the wicket gates thereof; and after the said boat, raft or other vessel shall have moved into the said lock, he shall shut the upper gates, and the wicket gates thereof, before he shall open the wicket gates of the lower gates thereof; and in ascending from a lower to a higher level, before any boat, raft or other vessel shall move into the lock, the lock keeper shall shut the upper gates and wicket gates thereof; and when it shall have moved into the said lock, he shall shut the lower gates and wicket gates thereof, before he shall open the upper gates or wicket gates thereof; and in passing any boat, raft or other vessel through any lock, the keeper is hereby authorized to call to his aid all and every person or persons engaged in navigating the said boat, raft or other vessel, and such person or persons are hereby required to conform to the orders given them by the said keeper.

How they are
to pass through
guard gates.

IX. *And be it further enacted* by the authority aforesaid, That when any boat, raft or other vessel, shall approach any guard lock in ascending or descending, and the gates thereof shall be closed, the said boat, raft or other vessel, shall pass the same in the following manner, viz: in ascending, the lower gates and the wickets thereof shall not be opened before the boatmen have closed the upper gates and the wickets thereof; and when it shall have moved into the lock, the lower gates and the wickets thereof shall be closed before the boatmen open the upper gates or the wickets thereof; and in descending, the lower gates and the wickets thereof shall be closed before the boatmen open the upper gates or the wickets thereof; and when the boat, raft or other vessel has moved into the lock, the upper gates and the wickets thereof shall be closed, before the boatmen shall open the lower gates or the wickets thereof; and whenever any boat, raft or other vessel has passed a guard lock, the gates of the said lock and the wicket gates thereof, shall be left in the same situation they were in immediately before the passage; and each and every boatman, in passing a guard lock, shall, in every particular, comply with the regulations contained in this clause, and, on failure thereof, shall be subject to a fine of one hundred dollars.

X. *And be it further enacted*, That the several commissioners having charge of the said canals, be, and they are hereby, required to report

annually, on the first day of October in each year, to the superintendent of public works, the amount of tolls collected thereon; the expense incurred in maintaining and protecting the said canals for the preceding year; and to cause the nett proceeds of the said tolls to be deposited in the Bank of the State, or some branch thereof; and the said commissioners and superintendent shall report to the legislature, annually, the amount of nett tolls so collected, and in what bank the same shall have been deposited.

A D. 1823.

Commissioners
to report annually.

XI. *And be it further enacted*, That any person who shall ride, lead or drive any horse, mule, ox or other cattle, or any cart, waggon or other carriage, upon the tow paths or banks of the said canals, except for the purpose of towing boats, rafts or other vessels upon the waters thereof, and except for the purpose of conveying articles to and from the said canals, for transportation on the same, or their delivery at their place of destination, shall forfeit, for every offence, the sum of ten dollars, and pay all damages consequent upon such offence, over and above the said forfeiture; and that no animal employed in towing any boat, raft or vessel, shall be allowed to travel nearer the margin of the canal than three feet.

Tow paths not
to be used, ex-
cept to tow
vessels, &c.

XII. *And be it further enacted*, That if any person shall obstruct the navigation of any of the said canals, by sinking therein any vessel, timber, stone, earth, or any other thing or things, or in any of the basins thereunto belonging, or by placing any obstructions on any of the towing paths thereof, or on the bank opposite the towing path, such person or person shall forfeit, for every such offence, the sum of ten dollars.

Penalty for
obstructing the
canals.

XIII. *And be it further enacted*, That if any person or persons shall wantonly and unnecessarily open or shut, or cause to be opened or shut, any lock, gate or wicket gate, water wier, or sluice gate, or drive any nail, nails, spike or wedge into either of the said gates, or take or use any other mode to prevent the perfect and free use of either of the said gates, such person or persons, for every such offence, shall forfeit a sum not exceeding one hundred dollars, and repair all damage, at his, her or their expense.

Penalty for im-
properly open-
ing or shutting
gates.

XIV. *And be it further enacted* by the authority aforesaid, That if any person or persons shall wilfully and maliciously throw down, break or destroy, any lock, dam, bank, waste wier, culvert, wall or any part thereof, belonging to any of the said canals, such person or persons so offending, shall, for every such offence, on conviction thereof, pay all the damages arising from such breaking, throwing down or destroying, and shall also forfeit and pay a fine not exceeding one thousand dollars, and be imprisoned not exceeding twelve months, at the discretion of the court before which such conviction shall take place.

Penalty for in-
juring any
part of a canal.

XV. *And be it further enacted*, That in all cases where any boat, raft or other vessel, passing through any of the said canals, shall meet any other boat, raft or other vessel, it shall be the duty of the boatman or person having charge of the said boat, raft or other vessel, to turn out to the left hand, so far as to give each other a free passage, or as to be wholly on the left side of the centre of the canal; and when such boats, rafts or other vessels, shall approach each other in any part of the canal which may be so narrow as to prevent their passing each other, it shall be the duty of the boatman having charge of the ascending boat, raft or other vessel, to wait at such distance from such narrow part, as may be convenient for the descending boat, raft or other vessel, to pass through such narrow part, until such passage is effected; and each and every boatman violating the provisions of this section, shall forfeit, for every such offence, ten dollars.

How boats are
to pass each
other

A. D. 1823.

No setting pole
to be used.

Penalty for ob-
structing the
navigation.

XVI. *And be it further enacted*, That no person navigating any of the said canals, shall be permitted to use therein, any setting pole or shaft ; and if any person shall offend against this section, he shall forfeit ten dollars.

XVII. *And be it further enacted* by the authority aforesaid, That if any boat or other floating thing, shall be so moored in any canal, as to obstruct the navigation thereof, or if any person shall obstruct the said navigation by means of loading, unloading, misplacing or otherwise misconducting any boat or other floating thing, and shall not, immediately upon being requested thereto by any commissioner of the canal, or by the lock keeper, or any agent of the commissioners, or by any person incommoded by the said obstruction, remove the same, the boatman or person who caused the said obstruction shall forfeit, for every such offence, ten dollars, over and above the expense of removing said obstruction.

Toll collectors,
&c. on being
discharged, to
deliver up his
house, &c.

XVIII. *And be it further enacted* by the authority aforesaid, That if any agent, toll collector, lock keeper or bank ranger, employed on any canal, or occupying any house, office, building or land belonging thereto, shall be discharged from their employment, by the commissioners of the said canal, and shall not deliver up the possession of such house, office, building or land, and their appurtenances, together with all the books, papers and other matters, belonging to the said canal, within one day next after notice of such discharge shall be given to him, or left at such house, office or building ; or if the wife or family of such agent, toll collector, keeper or bank ranger, who shall die in such employment, shall refuse to deliver up the possession of such house, office, building or land and appurtenances, together with the books, papers and other matters and things, belonging to the said canal, in his, her or their custody, power or possession, within three days after any person shall have been appointed in the place and stead of the person so dying, then, and in those cases, it shall be lawful for any justice of the peace, in the district where such house, office, building or lands are situated, and he is hereby required, by warrant under his hand and seal, to order any constable or other peace officer, with such assistance as may be necessary, to enter such house, office or building, or upon such land, in the day time, and remove the persons who shall be found therein, together with their goods and chattles, out of such house, office or building, and off and from such land, and to take possession of all the books and papers, matters, and things belonging to the said canal, and to deliver possession of the same to the new appointed agent, toll collector, lock keeper or bank ranger.

Penalties, how
to be recovered

XIX. *And be it further enacted*, That all penalties and forfeitures, created by this Act, exceeding twelve dollars, shall be recovered by indictment in the court of sessions, in the district where the offence shall have been committed, for which such penalty or forfeiture may be inflicted or incurred ; and that all offences for which imprisonment is made the punishment, shall be prosecuted by indictment, in the court of sessions of the district in which such offence shall be committed ; and that all penalties and forfeitures created by this Act, of twelve dollars, or under that sum, shall be recovered before any justice of the peace of the district in which the offence shall have been committed, for which the said penalty or forfeiture is inflicted or incurred ; and all such forfeitures shall be paid, one half for the benefit of the informer, and the other half for the use of the canal, on account of which the said penalty or forfeiture shall be imposed.

XX. *And be it further enacted* by the authority aforesaid, That in case any slave or free person of color, shall commit any offence prohibited by this Act, he or she shall be proceeded against, charged with said offence,

and tried therefor, before a justice of the peace and free holders, in such manner as is prescribed for the trial of slaves in cases less than capital, by the existing laws of the State; and the justice and freeholders are hereby authorized, on conviction by them of any slave or free person of color for such offence, to cause the said slave or free person of color, to be whipped, not exceeding fifty nor less than ten lashes. A. D. 1823.
Offences committed by slaves, how to be punished.

XXI. *And be it further enacted* by the authority aforesaid, That it shall not be lawful for any person to keep up or erect any dam across any river which the legislature has ordered to be made navigable, or for improving which the legislature has made any appropriation, so as to obstruct the passage of boats therein; and in case any dam now erected, or hereafter to be erected, shall not be immediately taken down and opened, when required by the superintendant of public works, the same shall thenceforth be regarded and taken to be a public nuisance, and shall and may be abated as such; and the person erecting or keeping up the same, shall, on conviction thereof, be fined at the discretion of the court, in a sum not exceeding five hundred dollars, for the use of the navigation of the river where the said nuisance exists. Streams ordered to be made navigable, not to be obstructed.

XXII. *And be it further enacted*, That the superintendant of public works be required to cause another fish sluice to be constructed in the Saluda dam; *provided*, the same shall not cost more than one hundred and thirty dollars; and that the said superintendant be required to cause one or more fish sluices to be constructed in the Broad river dam; *provided*, the same shall not cost more than one hundred and fifty dollars each. Fish sluices to be constructed.

XXIII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of each Board of Canal Commissioners, to cause a current of fresh water to be kept constantly running through the canal under their charge, during the months of July, August, September and October, in each and every year, so as to prevent the water therein from becoming stagnant, and injuring the health of the neighborhood. Fresh water to be kept running through the canals.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND L'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT to regulate the performance of Patrol Duty on Charleston Neck. No. 2317.

(Passed December 20, 1823. *See last volume.*)

AN ACT to require the Officers of each Brigade of Militia, to assemble in Brigade Encampments; and for other purposes. No. 2318.

(Passed December 20, 1823. *See last volume.*)

A. D. 1823.

No. 2319. AN ACT the more effectually to prohibit free Negroes and persons of colour from entering into this State; and for other purposes.

(Passed December 20, 1823. See last volume.)

No. 2320. AN ACT TO RELEASE ANDREW WIROSDICK, AND THE REPRESENTATIVES OF THE ESTATE OF DANIEL SYFRETT, FROM ANY LIABILITY TO THE STATE, AS SURETIES OF HENRY SANDEL, ADMINISTRATOR OF DAVID HANDISHAGEN, LATE OF ORANGEBURGH, DECEASED.

WHEREAS, Andrew Wirosdick, by his petition, hath set forth certain facts, which, having been satisfactorily established, render it proper that he and his co-surety on Henry Sandel's administration bond, should be discharged from all demands on the part of this State, arising by virtue of the escheated property of David Handishagen's estate:

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Andrew Wirosdick, and the legal representatives of David Syfrett's estate, be, and they are hereby, released from all liability and responsibility whatsoever, to the State of South Carolina, which they may have incurred as sureties to the administration bond of Henry Sandel, so far as the same may have been incurred in consequence of any right, title, or interest which the State may have acquired by escheat in the property of David Handishagen, deceased.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2321. AN ACT TO CEDE TO THE UNITED STATES THE JURISDICTION OF THIS STATE, OVER A PIECE OF LAND AT HADREL'S POINT, FOR THE ERECTION OF A BEACON.

Preamble. WHEREAS, an application hath been made on the part of the United States, for the cession by the State of its jurisdiction over one hundred feet square of land at Hadrel's Point, for the purpose of erecting a beacon thereon, by the said United States:

Cession to United States. I. *Be it enacted* by the Senate and House of Representatives, That the jurisdiction of this State over the said one hundred feet square of land on Hadrel's Point, procured by James R. Pringle, collector of the district and port of Charleston, for the use of the United States, from Mrs. Rebecca Bee Barksdale, and to be conveyed by her for the use of the

said United States, be, and the same is hereby, ceded to the United States, A. D. 1823.
 for the purpose of erecting a beacon thereon : *Provided nevertheless*, that Proviso.
 nothing contained herein shall be construed to exclude or prevent any
 process, civil or criminal, issuing from the courts of this State, from being
 served or executed within the limits of the said cession.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND TON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT to incorporate certain Societies ; and for other purposes. No. 2322.
 (Passed December 20, 1823. See last volume.)

AN ACT TO AMEND THE ACT OF THE GENERAL ASSEMBLY ENTITLED No. 2323.
 "AN ACT FOR THE INCORPORATION OF GEORGETOWN."

WHEREAS, the powers, at present possessed by the town council of Georgetown, have proved insufficient, in many respects, for purposes Preamble.
 essential to the prosperity of said town :

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now sitting in General Assembly, and by the authority Powers of Council.
 of the same, That from and after the passage of this Act, the town council of Georgetown shall have full power to impose and collect an annual tax on each and every lot or lots, piece or pieces, of land within the limits of the said town, as may be exclusively inhabited by a slave or slaves, or a free person of colour, or free persons of colour, and which is or are not within an enclosure upon which a white person resides : *Provided*, the said annual tax shall not exceed one hundred dollars on each lot or piece of land.

II. *And be it enacted* by the authority aforesaid, That the town council aforesaid shall hereafter also have full power to impose and collect an annual tax upon each and every free person or persons of colour, who shall keep, within the limits of the town aforesaid, any store or shop of any kind or sort whatsoever : *Provided* the said annual tax shall not exceed one hundred dollars.

III. *And be it further enacted* by the authority aforesaid, That the town council aforesaid shall hereafter also have full power to pass proper ordinances to compel all persons, not residents of the town aforesaid, and coming within the limits thereof for the purpose of trading or trafficking, to take out licenses previous to commencing such trading or trafficking : *Provided* the said town council shall be liable by their said ordinances to refund the price paid for their said license, in case the person paying the same shall continue to reside permanently in the said town for nine months, immediately after obtaining his or her license aforesaid : *And*

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provided also, that the price of the said license shall not exceed fifty dollars, and that the penalty for violations of such ordinances shall not exceed one hundred dollars for each and every offence.

IV. *And be it further enacted* by the authority aforesaid, That from and after the passage of this Act, it shall and may be lawful for the town council of Georgetown to sell and dispose of, in fee simple or otherwise, at the discretion of the said town council, any part or portion of land lying in the vicinity of said town, known as the town commons; and that the funds arising therefrom shall be paid into the treasury of the said town of Georgetown, for the use of the said town.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2324. AN ACT TO RELEASE TO THE EXECUTORS OF THE LAST WILL AND TESTAMENT OF DONALD NICHOLSON, AN ALIEN, THE TITLE OF THE STATE TO THE REAL ESTATE OF THE SAID DONALD.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of this State, to the lands, tenements and hereditaments of which the late Donald Nicholson, of the town of Cheraw, died possessed, he, and the same is hereby, released and transferred to John Taylor and John Fraser, the executors of the last will and testament of the said Donald, in trust, to sell the same, and out of the proceeds of the sale to pay the debts of the said Donald: *Provided*, that nothing herein contained shall be construed to effect the title of any society to whom the Legislature may have heretofore granted the escheated property within the district of Chesterfield.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2325. AN ACT TO ABSOLVE THE SURETIES OF THOMAS D. SINGLETON, SHERIFF OF WILLIAMSBURGH DISTRICT, FROM ANY FURTHER LIABILITY.

WHEREAS, Isaac Mathews, William Salters, J. B. McClary and George W. Scott, the sureties of Thomas D. Singleton, sheriff of Williamsburgh, have, by their petition, prayed the Legislature to discharge them from any further liability for the acts of the said Thomas D. Singleton, as sheriff:

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Isaac Mathews, William Salters, J. B. McClary and George W. Scott, be, and they are hereby, discharged from any future liability for the official acts of the said Thomas D. Singleton, whenever the said Thomas D. Singleton shall lodge in the office of the treasurer of the lower division, a new bond, with sufficient sureties, approved of according to law, for the residue of the time for which he has been appointed. A. D. 1823.

II. *And be it further enacted* by the authority aforesaid, That whenever the said Thomas D. Singleton shall have filed in the office of the said treasurer the said bond, it shall be the duty of the said treasurer to endorse on the old bond of the said Singleton and his sureties, the time at which the new bond was lodged, and the certificate of the said treasurer shall be sufficient evidence of the time when the said bond was lodged.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT to authorize the emancipation of a mulatto slave named William, belonging to the estate of Thomas Brown, late of Fairfield district, deceased. No. 2326.

(Passed December 20, 1823. *See last volume.*)

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY-THREE. No. 2327.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, for the use and service thereof; that is to say, That thirty-seven and a half cents ad valorem on every hundred dollars, be paid in specie, or the notes of the incorporated banks of this State, on all lands granted within this State; that seventy-five cents per head shall be levied upon all slaves, of all ages and descriptions; and the sum of two dollars per head upon all free negroes, mulattoes, and mestizoes, (except such as shall be clearly proved to the collector to be incapable, from maims or otherwise, of providing a livelihood,) between the ages of fifteen and fifty; and thirty-seven and a half cents ad valorem on every hundred dollars of the value of all lots, lands and buildings within any town, city, village or borough; and seventy-five cents per hundred dollars, on factorage employments, faculties and professions, and on the amount of commissions received by vendue- Tax to be raised on lands, negroes, &c. to be paid in notes of the incorporated Banks of this State, &c.

A. D. 1823.

masters and commission merchants, (clergymen, schoolmasters, schoolmistresses, and mechanics excepted,)—to be ascertained and rated by the assessors and collectors throughout the State, according to the best of their knowledge and information; to be paid in specie, paper medium, or the notes of the banks of the State of South Carolina.

Absentees to
pay four fold.

II. *And be it enacted* by the authority aforesaid, That any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay, for the use of the State, a four fold tax on the same; but this clause shall not be construed to extend to any person sent, or hereafter to be sent, abroad in the employment of this State, or the United States, until one year after the expiration of his commission.

Tax on plays
and shows.

III. *And be it further enacted* by the authority aforesaid, That all persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, and those that exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of twenty dollars per day, where they make their exhibitions; and that the said sum shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay over the same into the public treasury annually; and in case of non-payment on demand, the clerk of the said court, or any justice of the quorum or of the peace, are hereby authorized and required forthwith to issue an execution, directed to the sheriff, or any constable of the district, against the body or goods of the person or persons liable to pay the same: *Provided nevertheless*, That nothing in this clause contained shall be construed so as to effect any incorporated town or city.

Returns to be
made of money
collected for
the Bank.

IV. *And be it further enacted*, by the authority aforesaid, That the attorney-general and each of the solicitors of this State respectively, shall, on or before the first day of January and August, in each and every year, make, to the president and directors of the Bank of the State of South Carolina, or to the president and directors of its branches, (as the case may require,) a full and particular return of the business or suits placed in his hands by any of the officers of the said bank or its branches; and in default of such return, such defaulter shall forfeit the sum of five hundred dollars; and the comptroller-general is hereby directed to withhold such defaulter's salary till such return be made.

Tax on stock
in trade.

V. *And be it further enacted* by the authority aforesaid, That seventy-five cents shall be levied on every hundred dollars worth of goods, wares and merchandize, embracing all articles of trade for sale, barter or exchange, (the products of this State, or the unmanufactured products of any of the United States, excepted,) which any person shall employ or use as articles of trade, or for sale, barter or exchange, and have in his, her or their possession, on the first day of January, one thousand eight hundred and twenty-four, either on his, her or their own account, or purchased by his, her or their own capital, or borrowed capital, or on account of any other person or persons, as agent, attorney or consignee—to be assessed by the assessors and collectors throughout this State, according to the best of their knowledge and information; and that every person or persons, making a return of such goods, wares and merchandize, to a tax collector, shall take the following oath or affirmation; "I, A. B. do solemnly swear, (or affirm) that the return which I now make, is to the best of my knowledge and belief, a just and true return of the amount or value of all the goods, wares and merchandizes, (the products of this State, or the unmanufactured products of any of the United States excepted,) which I held in possession on the first day of January, one thousand eight hundred

Oath.

and twenty-four, for sale, barter or exchange, either on my own account, or upon borrowed capital, or on account of others, as agent, attorney or consignee. So help me God." A. D. 1823.

VI. *And be it enacted* by the authority aforesaid, That the treasurer of the lower division be, and he is hereby, authorized and empowered to call in one fourth part of the principal, with all the interest, due upon the bonds due to the paper medium loan office, giving due notice thereof. Paper medium debt called in.

VII. *And be it further enacted* by the authority aforesaid, That all sales of property mortgaged to secure the payment of bonds originally given to the paper medium loan office, shall be made in the city of Charleston, by the treasurer of the lower division, as heretofore, after giving the notice required by law. Mortgaged property to be sold in Charleston.

VIII. *And be further it enacted* by the authority aforesaid, That the comptroller-general shall not hereafter be required to draw any warrant on either of the treasurers of this State, in favor of any free school, but that the said treasurers respectively shall have full power and authority to pay off and discharge any order that may hereafter be drawn upon them, by any set of commissioners of free schools within his division, without any warrant from the comptroller general for that purpose; *provided* the commissioners drawing such order, specify in their said order the name and number of the school, and the name of the teacher; and in no case shall the said commissioners draw for more than is actually due, or less than one quarter's salary, except upon final settlement. Free school money, how to be drawn.

IX. *And be it enacted* by the authority aforesaid, That the treasurers shall in no case pay off or discharge any order which shall or may be drawn upon either of them, by any set of commissioners of free schools within this State, unless the said commissioners shall have made a satisfactory return to the legislature as required by law. Not to be drawn where no return has been made.

X. *And be it further enacted* by the authority aforesaid, That if any tax collector within this State shall refuse or neglect to make his return, and pay the taxes, within the time prescribed by law, which had been received by him, it shall be the duty of the treasurer, within whose division such default shall be made, in addition to the coercive power which they now possess, to charge the said collector with the interest, at the rate of five per cent per month, from the time he ought to have made such return and paid the taxes, to the time of such settlement. Defaulting collectors to pay 5 per cent a month.

XI. *And be it further enacted* by the authority aforesaid, That if any transient person or persons, not resident in this State, shall at any time sell, or expose to sale, any goods, wares or merchandize whatsoever, in any house, stall or public place, after the first day of January in each year, such person shall make a return, upon oath, within ten days after commencing to sell as aforesaid, of the whole amount of the stock in trade he may have possessed at that time, to the tax collector of the district or parish in which said goods, wares or merchandize shall have been or may be sold or exposed to sale; and if any person shall neglect or refuse to make such return as aforesaid, within the time prescribed above, he shall, on conviction thereof by indictment, forfeit and pay the sum of not more than one thousand dollars; unless such person shall have paid for and procured a license, according to the provisions of the Act entitled "An Act to increase the price of license to hawkers and pedlars." Transient persons to return stock in trade.

XII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of such tax collector to proceed to collect, from such persons so selling as aforesaid, the tax required by law to be paid on stock in trade, within five days after receiving such return. The tax to be paid on the same.

A. D. 1823.

Information to
be given of
property sold.

XIII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of every taxable inhabitant of this State, who shall, since his last return, and prior to the first day of October last, have sold any real or personal property liable to tax, (except stock in trade) to give information at the time of making his next return, of such sale, and the name of the person to whom sold, to the tax collector of the district in which he may reside, to the end that the said collector may be better able to collect the public dues.

Tax on persons
who sell
Lottery tickets

XIV. *And be it further enacted* by the authority aforesaid, That any person or persons who shall, after the passing of this Act, open or keep open any office for the sale of lottery tickets, or who shall sell within this State any lottery tickets in any other lotteries than those that are or may be authorized by the laws of this State, shall be subject to indictment, and, upon conviction thereof, shall forfeit and pay to the State aforesaid the sum of ten thousand dollars; and it shall be the duty of the tax collector of such district in which such lottery office shall be opened, or lottery tickets shall be vended, to prosecute the violaters of this law; and the tax collector, or any other person, in case of the conviction of any offender under the law, on his prosecution, shall be entitled to receive twenty per cent. on the fine recovered under this Act.

Phoenix Insur-
ance Company
allowed to un-
derwrite.

XV. *And be it further enacted* by the authority aforesaid, That the Phoenix Insurance Company be, and they are hereby, authorized and permitted to underwrite any policy or policies of insurance, of any kind whatsoever, and of any value, as fully and as completely as they were permitted to do anterior to the Act for the year one thousand eight hundred and fourteen; *provided*, that the said company pay into the treasury of the State, four thousand dollars.

Fine for not
paying over
road and poor
tax.

XVI. *And be it further enacted*, That if any tax collector within this State neglect or refuse to pay such money as he may have collected as a road or poor tax, within five days after the first Monday in July, in each and every year, if applied to by the proper authority, he shall be liable to pay five per cent per month; and the Chairman of the Board of the Commissioners of the poor shall bring suit for the same; and should he recover in any court having jurisdiction thereof, he shall recover treble costs.

Salaries, &c.
how to be paid.

XVII. *And be it further enacted* by the authority aforesaid, That the treasurer of each division be, and he is hereby, authorized and required to pay all appropriations, made for, and on account of any officer of this State, or other appropriation, within his division; except the officers of each branch of the legislature, who shall be paid by the treasurer of the upper division, at the end of the session of the legislature; and except the pay bills of the members of the legislature, which shall be paid upon being presented at either of the treasuries; and it shall be the duty of each of the treasurers, whenever he shall make any payment, to take a duplicate receipt, and forward the same to the comptroller-general, with his monthly report.

Attorney-gene-
ral and solic-
itors to make
return of fines.

XVIII. *And be it enacted* by the authority aforesaid, That it shall hereafter be the duty of the attorney-general and solicitors, on or by the first day of October, in each and every year, to make a return to the comptroller-general of all fines inflicted, and forfeitures incurred, within their several circuits for the year preceding that day; a copy of which return the comptroller-general shall furnish to the treasurer of the upper or lower division, who shall open on his books an account with the attorney-general, or solicitor, as the case may be, in which he shall charge him with all the fines and forfeitures so reported; and it shall be the duty of the attorney-general and solicitors, within their several circuits, to collect

all fines and forfeitures, and pay over such as may be received, on or by the first day of December in every year; and return such as have been returned *nulla bona* or remitted by the Governor; and the treasurer shall credit the attorney-general or solicitor, as the case may be, with all money paid into the treasury, with all cases returned *nulla bona*, and with all cases where the fines have been remitted by the Governor.

A. D. 1823.

XIX. *Be it enacted*, That the commissioners of free schools, for Saint James Santee, Christ Church Parish, Saint Bartholomew's Parish, and Lexington district, be, and they are hereby, entitled to draw on the treasurer for all arrearages that are now due them, this being in conformity with the report of the joint committee, agreed to by both houses; any law to the contrary notwithstanding.

Certain commissioners of free schools authorized to draw on the treasury.

XX. *And be it further enacted* by the authority aforesaid, That the escheator who may hereafter be appointed for the district of Barnwell, shall give bond and security for the performance of his duty, in the sum of three thousand dollars, and no more; any law to the contrary notwithstanding; *provided*, he shall give bond and security in all other respects as by law escheators are now bound to do.

Escheator for Barnwell to give bond and security.

XXI. *And be it further enacted* by the authority aforesaid, That the treasurers of this State shall be required hereafter, not to receive any tax return which shall not be made in strict conformity to the instructions of the comptroller-general.

Tax returns to be made in conformity to instructions.

XXII. *And be it further enacted*, That in case any tax collector shall present to the treasury of his division any tax return not made in conformity with said instructions, and shall refuse or neglect to immediately make the alterations required by said instructions, then, and in that case, the treasurer be authorized and required to proceed against him, in the same manner as if the said tax collector had neglected or refused to make his return; and that the said tax collector be liable to the same proceedings and penalties, and in the same manner, as if he had not made or offered his return.

Penalty for not doing so.

XXIII. *And be it further enacted* by the authority aforesaid, That it shall hereafter be the duty of the respective tax collectors throughout this State, to collect all such taxes as may hereafter be imposed by any set of commissioners of public roads, within their several and respective districts; and the said tax collectors shall receive for collecting the said tax, the same per centage as is allowed for collecting the State taxes.

Road tax to be collected.

XXIV. *And be it further enacted* by the authority aforesaid, That if any tax collector within this State neglects or refuses to pay such money as he may have collected as a road tax, within five days after the first Monday in July, in each and every year, if applied to by the proper authority, he shall be liable to pay five per cent. per month on the same; and the chairman of the board of public roads shall bring suit for the same; and should he recover in any court having jurisdiction thereof, he shall recover treble costs.

Return to be made of road tax.

XXV. *And be it further enacted* by the authority aforesaid, That hereafter it shall not be required of the comptroller-general to countersign the transfers of the five and six per cent. stock of this State, but the same shall be done by the President of the Bank of the State of South Carolina.

Transfer of stock to be countersigned by the President of the Bank.

XXVI. *Be it further enacted* by the authority aforesaid, That the tenth section of the Act to raise supplies, passed the twenty-first day of December, in the year one thousand eight hundred and twenty-two, or so much thereof as prescribes the manner in which the commissioners of free schools shall draw the free school fund, be, and the same is hereby,

Repealing clause.

A. D. 1823.

Fine on commissioners of free schools neglecting to make returns.

repealed; and the several boards of commissioners shall be allowed to draw the arrearages due their respective districts and parishes, in the same manner, and under the same regulations, as was allowed by law before the passage of the said Act.

XXVII. *And be it further enacted* by the authority aforesaid, That if any board of commissioners of free schools shall neglect, unless upon good and sufficient excuse, to make a return to the legislature as now required by law, then and in that case, each and every member of the board so defaulting, shall, upon conviction by indictment, pay a fine of fifty dollars; and may be removed from office by joint resolution of the legislature; and the report of the joint committee of both houses on education, shall be deemed and taken as conclusive evidence of their failure to make returns unless the contrary shall be shewn by the said commissioners.

Penalty for not accounting for money received.

XXVIII. *Be it further enacted* by the authority aforesaid, That it shall be the duty of the comptroller-general to direct the solicitor of the circuit in which such commissioners reside, to bring suit in any court having competent jurisdiction, for the recovery of all sums drawn by any board of commissioners of free schools on account of the free school fund, and which they shall not have accounted for by a regular return; and the said commissioners, and each and every of them, are hereby declared liable for the re-payment of the same.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2328. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY-THREE; AND FOR OTHER PURPOSES.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be appropriated for the salaries of the public officers, and for other purposes therein mentioned.

Appropriations

For the salary of the Governor, three thousand five hundred dollars.

For the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of six Judges of the court of Common Pleas, each three thousand five hundred dollars.

For the salary of one judge of the court of common pleas, two thousand five hundred and seventy-two dollars.

For the salaries of five Judges of the Court of Equity, each three thousand five hundred dollars.

For the salary of the Attorney-General, twelve hundred dollars.

For the salary of the Comptroller-general, stationary included, two thousand five hundred dollars.

For the salary of a clerk to the Comptroller-general, one thousand dollars; which clerk shall be appointed and removable at the pleasure of the Comptroller-general.

For the salary of five Circuit Solicitors, in lieu of all charges against the State, for the performance of every thing appertaining to their office, each seven hundred dollars. A. D. 1823.

For the salary of the Treasurer in Charleston, and for transacting the business of the loan office, five and six per cent. stock of the State, and for clerks, three thousand dollars.

For the Treasurer in Columbia, including clerks, two thousand dollars.

For the salary of the Clerks of the Senate and House of Representatives, each twelve hundred and thirty dollars, to be paid at the adjournment of the Legislature.

For a contingent fund, subject to the draft of the Governor, for the expenditure of which he shall submit an account annually to the Legislature, six thousand dollars.

For the Transient Poor, payable to the City Council of Charleston, twelve thousand dollars.

For the expenses of the Members of the Legislature, during the present session, and for the pay to the Solicitors for their attendance, eighteen thousand dollars, if so much be necessary.

For two Doorkeepers and for two Messengers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature.

For the rent of the Governor's house in Columbia, three hundred dollars.

For the contingent accounts of the lower division, ten thousand dollars, if so much be necessary.

For the contingent accounts of the upper division, twenty thousand dollars, if so much be necessary.

For the commissioners of the poor of Prince George Winyaw, eight hundred dollars, to be by them expended for the support of the transient poor of Georgetown; the said commissioners to publish annually, in the Georgetown Gazette, the names of, and the sums paid to and for, all such transient poor; and to return, upon oath, an account of such expenditures, to the comptroller-general, to be by him submitted to the Legislature.

For the salaries of two tutors in the South Carolina College, each one thousand dollars.

For the Professor of Logic and Moral Philosophy, for the Professor of Languages, and for the Professor of Mathematics, each two thousand dollars.

For the Professor of Logic and Moral Philosophy, for attending to and discharging the duties of the Professor of Metaphysics, for the ensuing year, five hundred dollars.

For the President of the South Carolina College, three thousand dollars.

For the Professor of Geology and Mineralogy, one thousand dollars.

For the commons and other incidental expenses of one student in College from the Orphan House, for the ensuing year, to be paid to the Cashier of the Branch of the Bank of the State of South Carolina, in Columbia, for the use of the said student, two hundred and sixty dollars.

For the pay of a magazine guard, near Charleston, to consist of an officer, sergeant and twelve privates, to be paid by and under the direction of the comptroller-general, four thousand dollars.

II. *And be it further enacted* by the authority aforesaid, That the sum of thirty-seven thousand dollars be appropriated for the support of free schools; and that the commissioners of free schools be authorized to draw for the unexpended balances of appropriations heretofore made for the free schools in the several districts and parishes, to be drawn in the manner Appropriation for free schools, how to be drawn.

A. D. 1823.

pointed out by the Act to raise supplies for the year eighteen hundred and twenty-three.

For the salary of the Librarian of the Legislature, one hundred dollars.

For the salary of the Librarian of the South Carolina College, four hundred dollars.

For claims agreed to by the Legislature at its present session, twenty thousand dollars, if so much be necessary.

For public buildings, seventy-two thousand dollars, if so much be necessary, in conformity with the report of the committee on public buildings

For pensions agreed to by the Legislature at different times, fourteen thousand dollars, if so much be necessary.

For the Clerk of the Court of Richland district, for attending the Constitutional Court, one hundred and fifty dollars.

For the Clerk in Charleston, one hundred and fifty dollars.

For the Commissioner in Equity of Richland district, for attending the Court of Appeals in Columbia, one hundred dollars.

For the Sheriff of Richland district, for attending the Constitutional and Appeal Courts in Columbia, one hundred and fifty dollars.

For the Sheriff of Charleston district, for attending the same Courts in Charleston, one hundred and fifty dollars.

For the keeper of the State House in Columbia, one hundred and thirty dollars.

For the Arsenal keeper in Charleston, six hundred dollars.

For the salary of the Port Physician of Charleston, boat hire and other expenses incident to his office included, one thousand dollars.

For the arsenal keeper and powder receiver in Camden, three hundred dollars.

For the arsenal keeper in Abbeville, one hundred and fifty dollars.

The arsenal keepers and powder receivers in Georgetown and Beaufort, each two hundred and fifty dollars.

For the pilots of the bar and harbour of Beaufort and Georgetown, each three hundred and twenty dollars.

For annuities, nine thousand dollars, if so much be necessary.

For the Adjutant and Inspector General, two thousand dollars.

For the pay of the magazine guard of Camden, to consist of an officer, sergeant, and twelve privates, to be paid under the direction of the Comptroller-general, two thousand four hundred dollars.

For Daniel and John M. Faust, for printing the Acts, the Resolutions, and the Journals of the Senate, eleven hundred and fifty dollars.

For William Cline, for printing the Journals of the House of Representatives, seven hundred dollars.

Refund to
James Tate.

III. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to refund to James Tate, or his attorney, three fourths of a four fold tax paid by him.

Indulgence
granted to the
purchasers of
public lands.

IV. *And be it further enacted* by the authority aforesaid, That a further indulgence of one year be granted to the purchasers of the public lands in Pendleton: *Provided* the interest on said purchases be fully paid into the treasury.

Reports of fines
and forfeitures
to be examined
by the comp-
troller.

V. *And be it further enacted* by the authority aforesaid, That all the reports of fines and forfeitures of the several clerks in this State, which have been submitted to the Legislature during its present session, be returned to the comptroller-general, whose duty it shall be to examine the same, and ascertain whether the fines and forfeitures have been collected and paid into the treasury, and to take all legal steps for the

recovery of all such fines and forfeitures as have been collected; and it shall be the duty of the comptroller-general to take all necessary legal steps to compel such clerks as have not made returns of fines and forfeitures, to make returns of the same, and to pay over to the treasury the amounts collected by them respectively.

For the travelling and other incidental expenses of James L. Varner, in attending as a witness on the part of the State, as agreed to by both branches of the Legislature, sixty dollars.

For Henry W. Lowe, goaler of Edgefield district, under a joint resolution of both branches of the Legislature, at the last session, one hundred and forty-eight dollars.

For the physician of the magazine guard and Charleston goal, five hundred dollars, for the year one thousand eight hundred and twenty-two, and five hundred dollars for the year one thousand eight hundred and twenty-three.

VI. *And be it further enacted* by the authority aforesaid, That the office of assessor, for the parishes of St. Philip and St. Michael, be, and the same is hereby, abolished. A. D. 1823.
Office of
assessor in
Charleston
abolished.

VII. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, directed to credit on the bond of Adam Caruth, nine thousand three hundred and fifteen dollars, on the fourteenth January, eighteen hundred and twenty-three; twelve hundred dollars on the twenty-fifth January, eighteen hundred and twenty-three; six hundred dollars on the twenty-eighth July, eighteen hundred and twenty-three; and six hundred dollars on the twentieth September, eighteen hundred and twenty-three, as agreed to by both branches of the Legislature, for muskets delivered by the sureties of the said Adam Caruth. Credit to be
given on A.
Caruth's
bond.

VIII. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, directed to grant indulgence to the sureties of the said Adam Caruth, for one year from the passing of this Act. And indul-
gence granted
to his securi-
ties.

IX. *And be it further enacted* by the authority aforesaid, That the following sums be appropriated, that is to say:

For the James Island Company, to be paid to John B. Giradeau, in behalf of said company, one hundred and forty one dollars sixty-nine cents, as agreed to by both branches of the Legislature.

For the transient poor of the town of Beaufort, payable to the town council, five hundred dollars; and the said council shall return, on oath, an account of expenditures, to the comptroller, to be by him submitted to the Legislature.

For James C. Brown, a double tax refunded, one hundred dollars, as agreed to by both branches of the Legislature.

For Jeremiah Russel, a jury fine refunded, twenty dollars, as agreed to by both branches of the Legislature.

For Cross & Poincignon, twenty-six dollars eighty-seven and a half cents, for blacksmith's work done in the quarter-master-general's department in Charleston.

X. Whereas, William Huston, formerly of the district of Abbeville, was possessed, in his own right, of certain real estate, and of two negroes named Sam and Kate, and about the year of our Lord one thousand eight hundred and four, died intestate, without leaving heirs at law capable of inheriting; and whereas, also, the said William Huston left, at the time of his death, two sisters of the half blood, who have since intermarried with Nathan Calhoun and Downs Calhoun, who have administered on the Certain pro-
perty vested in
N. and D.
Calhoun.

A.D. 1823.

estate of the said William Huston, and have prayed the Legislature to relinquish its right by escheat to the same; *Be it therefore enacted* by the authority aforesaid, That all the right, title and interest which the State has acquired by escheat, in the land and the negroes owned by and in the possession of the said William Huston, in his life time, and the issue of the said negroes, be, and the same is hereby, relinquished to and vested in the said Nathan Calhoun and Downs Calhoun.

Magistrates's
and constables
not to receive
fees from the
State in certain
cases.

XI. *And be it further enacted* by the authority aforesaid, That no magistrate or constable, after the passing of this Act, shall be entitled to receive any fees from the State in any criminal case where the defendant shall be convicted, unless it shall appear from the certificate of the clerk of the court, that such defendant has been discharged from inability to pay costs.

Magistrates
fees in criminal
cases regulated

XII. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, no magistrate shall receive any fees whatever in criminal cases, from the State, unless the whole proceedings shall have been returned to the clerk of the court; and unless bills of indictment be preferred, or the proceedings stopt at the instance of the State: *Provided* that nothing herein contained shall extend to the fees which any magistrate or constable may be entitled to, in the trial of any slave or person of colour.

For Captains W. H. Miller and Edward H. Edwards, five hundred and sixteen dollars, for bayonets furnished the Washington Light Infantry and Cadet Rifle corps.

For the purchase of books for the Library of the South Carolina College, five thousand dollars, as agreed to by joint resolution of both houses.

For E. Waterman, treasurer of the commissioners of the poor for Georgetown district, three hundred and fifteen dollars seventy-four cents, expended by him over and above the appropriation for transient poor: *Provided* that this appropriation shall not be considered as a precedent in future.

For Doctor John M. Righton, under joint resolution, for medical attendance on condemned slaves in Charleston, three hundred and fifty-three dollars and forty-three cents.

For the city council of Charleston, under joint resolution, for expenses of supporting condemned slaves, four hundred and fifty-five dollars and ninety-two cents.

For Gursham Chapman, keeper of the State House, for repairs on buildings belonging to the State House lot, as agreed to by joint report at the last session, one hundred and forty-four dollars seventy-cents.

For E. B. Benson, sheriff of Pendleton district, for bringing a criminal to Columbia, one hundred and seventy-eight dollars and fourteen cents.

For Doctors Anderson and Symmes, for medical services rendered the State, thirty-eight dollars and seventy-five cents.

For W. R. H. Treadway, for the purchase of fifty copies of Constitutional reports, six hundred dollars.

For D. Faust, for printing the second volume of M'Cord's Reports, six hundred dollars.

For John Burriss, for a negro executed, one hundred and twenty-two dollars and forty-five cents.

For the Secretary of State, for books purchased by him for the use of his office, and for commissions furnished members of Congress, eighty dollars and twenty-five cents.

For the repairs of the court house in Charleston, as agreed to by both branches of the Legislature, two thousand dollars, if so much be necessary; to be paid the commissioners appointed at the present session.

To John Todd, for a negro executed, one hundred and twenty-two dollars forty-two cents, as agreed to by both branches of the Legislature. A. D. 1823.

XIII. *And be it further enacted*, That his Excellency the Governor be, and is hereby, authorized to make such appropriation out of the contingent fund, as shall appear to him a right and proper compensation for the services rendered by the John's Island and Wadmalaw company of militia, while executing the orders of the Executive in November, eighteen hundred and twenty-two. Compensation to John's Island and Wadmalaw Company.

XIV. *And be it further enacted*, That any money at any time appropriated for public buildings, shall be subject to the order of the district commissioners, or a majority of them, for which the appropriation is made. Appropriations for public buildings, how to be drawn.

For Lyon Levy, in full for his services as clerk in the treasury of the lower division, for the years eighteen hundred and fifteen, eighteen hundred and sixteen, and eighteen hundred and seventeen, twelve hundred dollars.

XV. *Be it enacted* by the authority aforesaid, That the sum of one thousand dollars be, and the same is hereby, appropriated for a salary for one year, for a reporter of the judicial decisions of law and equity, who shall be elected by a joint ballot of both branches of the Legislature, whose duty it shall be to report the judicial decisions of law and equity of this State, and such arguments and statement of facts as may be necessary to a correct understanding of said decisions; and he shall deposit one set of said reports with the clerk of the court of each district, for use of the court. Appropriation for State Reporter.

XVI. *And be it further enacted* by the authority aforesaid, That so much of an Act, passed in the year eighteen hundred and sixteen, as directs the publication of certain judicial decisions, be repealed. Repealing clause.

XVII. WHEREAS, at the last sitting of the Legislature of this State, Archibald McDonald was duly elected tax collector for Chesterfield district, but, owing to there being no commissioners in said district, to approve of the securities of the said A. McDonald, he was delayed in the collection of the taxes of said district, and paying the same into the public treasury, until after the time prescribed by law, whereby the said A. McDonnald became liable to pay to the State five per cent. per month, on all the monies collected by him, as tax collector aforesaid, from the time he ought to have made his return and paid said taxes into the treasury, until he actually paid the same into the said treasury: *Be it therefore enacted* by the authority aforesaid, That the said A. McDonnald be, and he is hereby, exempted from the payment of all interest, or other liability incurred by him in consequence of his not collecting and paying into the public treasury of this State the taxes collected by him for Chesterfield district, within the time prescribed by law; any law, usage or custom to the contrary notwithstanding. A. McDonnald relieved.

XVIII. Whereas, O. & S. Mills, Hall & Mills, and Fleming & Ross, have, by their petitions to the Legislature, prayed to be refunded certain portion of taxes paid by them during the present year, to the tax collector of Charleston district, on stock in trade: *Be it therefore enacted* by the authority aforesaid, That the comptroller-general of this State be, and he is hereby, authorized and required to receive from the said O. & S. Mills, Hall & Mills, and Fleming & Ross, their several and respective returns of stock in trade, for the year one thousand eight hundred and twenty-two, on their complying with the same requisites, and making their returns in the same manner as other merchants of the city of Charleston have been required to make their returns: And that the comptroller-general, O. & S. Mills, Hall & Mills, and Fleming & Ross, relieved.

A. D. 1823.

on such returns being made as aforesaid, is further authorized and directed to draw his warrant or warrants upon either of the treasuries of this State, in favour of the said O. and S. Mills, Mills & Hall, and Fleming & Ross, for the respective balances that may be found in their favour, after the payment of their legal taxes upon their several stocks in trade, agreeably to the Act to raise supplies for the year one thousand eight hundred and twenty-two.

For Professor Wallace, of the South Carolina College, for extra services, in superintending the erection of an observatory and adjusting the instruments therein, five hundred dollars.

Appropriation
for internal im-
provement.

XIX. *And be it further enacted* by the authority aforesaid, That the sum of one hundred and eighty-eight thousand seven hundred and ninety dollars ninety-four cents, be, and the same is hereby, appropriated for the improvement of the State, to be applied as follows:

For the payment of debts already contracted for works finished, the sum of ninety-one thousand six hundred and fifty-nine dollars and ninety-four cents.

For sluicing the Saluda river to the Abbeville line, eight thousand dollars.

For the first section of the Rocky Mount Canal, twelve thousand dollars.

For the lower section of the Wateree Canal, eighteen thousand dollars.

For the Wateree river, below the falls, eight thousand dollars.

For the Pee Dee river, below the falls, ten thousand dollars.

For the South Edisto river, two thousand five hundred dollars.

For the Seneca and Keowee rivers, six thousand dollars.

For Lynch's creek, one thousand dollars.

For Little Pee Dee river, two thousand dollars.

For Waccamaw river, two thousand dollars.

For the road between Columbia and Charleston, nineteen thousand six hundred and thirty-one dollars.

For Broad and Pacolet rivers, four thousand dollars, in addition to the foregoing amount.

For contingencies, including surveys, two thousand dollars.

For the
salaries.

XX. *And be it further enacted* by the authority aforesaid, That five thousand five hundred dollars be appropriated for the salaries.

Work to be let
out to the
lowest bidder.

XXI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the superintendant of public works to let out to the lowest bidder, the contracts for sluicing and clearing the rivers, and constructing the State road, for which appropriations are made by this Act, in such portions or sections as to him shall seem proper; and it shall be his duty to examine the nature and extent of work to be done, before he accepts of any contract for such work, and may reject the lowest bid for executing such work, if in his opinion it shall exceed the necessary cost thereof; and it shall be his duty to give public notice of his intention to let out any contract for performing the said work, and accurately to inspect the same after its execution before a final settlement with the contracting party.

Bond of A.
Blanding to be
cancelled.

XXII. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to cancel the bonds of Abram Blanding, as acting commissioner of the board of public works, for the years eighteen hundred and twenty, eighteen hundred and twenty-one, and eighteen hundred and twenty-two.

Part of a for-
mer Act
repealed.

XXIII. *And be it further enacted* by the authority aforesaid, That so much of an Act, passed on the twenty-first day of December, eighteen hundred and twenty-two, entitled "An Act to make appropriations for the year one thousand eight hundred and twenty-two, and for other purposes

therein mentioned," as constitutes Benjamin Seabrook, James Mayer and Henry Shultz, commissioners to contract for and superintend the opening of Bull's Cut and Wappoo Cut, be, and the same is hereby, repealed; and the execution of the said work shall be suspended; and the sum of five thousand dollars, appropriated by the said Act for opening the said Cuts, shall be returned into the public treasury.

A. D. 1823

XXIV. *And be it enacted* by the authority aforesaid, That the sum of five thousand dollars, should so much be necessary, be, and the same is hereby, appropriated for the completion of the Lunatic Asylum.

Appropriation to complete the Lunatic Asylum.

XXV. *And be it enacted* by the authority aforesaid, That the sum of two thousand dollars, should so much be necessary, be, and the same is hereby, appropriated to be applied by the trustees of the Lunatic Asylum, in the purchase of furniture and such other things as may be necessary for carrying the said institution into operation.

And to furnish the same.

XXVI. *And be it further enacted* by the authority aforesaid, That the following sums be, and they are hereby, appropriated:

For David Ring, for glazing the windows and making other repairs on the court house in Charleston, two hundred and seventeen dollars and forty-five cents.

For William Cline, for the execution of certain printing formerly done by D. Faust, three hundred and fifty dollars.

For Francis G. Deliesseline, fifty dollars, for amount paid by him for apprehending an outlaw.

For Dr. John King, twenty dollars, for medical services.

For Beaufort T. Watts, twenty-one hundred dollars, for so much of the index to the grant books as have been duly completed; and a further sum of twelve hundred and fifty-one dollars thirty-six cents, when he shall have completed the remainder of the index, and produces a certificate of the commissioners to that effect, to the treasurer of the upper division.

For Martin Stroble, three hundred dollars, for one quarter's salary, due in the year eighteen hundred and twenty-one.

And a further sum of eighteen hundred dollars, if so much be necessary, to be computed by the commissioners, at the rate of eight cents for every name he shall copy in the index books of the Secretary of State's office in Charleston, a certificate of which shall be produced to the treasurer of the lower division, who shall thereupon, pay so much as may be found due, at the rate above mentioned.

For the repairs of the buildings of the South Carolina College, according to the report of the superintendant of public works, twenty-one hundred and forty dollars, to be expended under the direction of the faculty.

XXVII. *And be it further enacted* by the authority aforesaid, That the treasurer of the upper division be, and he is hereby, authorized and directed to pay to the treasurer of the South Carolina College three hundred and fifty dollars, the amount paid in the treasury of this State by the Union Insurance Company, for repairs done to the house occupied by Professor Henry.

A certain sum of money to be paid to the treasurer of the College.

XXVIII. *And be it further enacted*, That the comptroller-general be, and he is hereby, authorized and directed to cancel a double tax execution, against Abraham Tobias, imposed as a vendue tax.

Abraham Tobias, as relieved.

For John Sams, for a negro executed, one hundred and twenty two dollars forty-three cents.

XXIX. *And be it further enacted* by the authority aforesaid, That all claims agreed to under joint resolution of the legislature at this session, shall be paid by the treasurers of the upper and lower divisions, although the same may not be especially appropriated.

All claims agreed to by both houses to be paid.

A. D. 1823.

Curtain and canopy to be purchased for the senate chamber.

For compensation to Henry Hill, for a negro executed, one hundred and twenty-two dollars forty-three cents.

XXIX. *Be it enacted* by the authority aforesaid, That two hundred and fifty dollars be appropriated for the purchase of a curtain and canopy for the Senate chamber, and for the purchase of a gown for the President and Clerk of the Senate, if so much be necessary, the same to be paid to the keeper of the State house.

For William McReight and sons, for extra work done on the courthouse at Winnsborough, as per advice of superintendant, and agreed to by joint committee on public buildings, eight hundred dollars.

For the City Council of Charleston, to execute the quarantine laws, one thousand dollars.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2329. AN ACT to repeal the 48th section of an Act, entitled, "An Act to establish certain Roads, Bridges and Ferries," passed the twentieth day of December, one thousand eight hundred and twenty-three.

(Passed December 16, 1824. *See last volume.*)

No. 2330.

AN ACT TO AMEND THE LAW IN CERTAIN PARTICULARS.

Citations.

I. *Be it enacted*, by the Senate and House of Representatives, and by the authority of the same, That citations from the Courts of Ordinary of Charleston and Georgetown districts respectively, shall be in future published in a newspaper, for three days prior to the meeting of the said Court, instead of being read in church, as heretofore; *provided, however*, that nothing herein contained shall be construed to alter or interfere with the practice now existing in other parts of the State, on this subject.

Sole trader.

II. *And be it further enacted*, That the Act entitled "An Act to regulate the mode in which married women shall become sole traders or dealers, and for other purposes," passed on the twentieth day of December, one thousand eight hundred and twenty-three, be, and the same is hereby, amended, so that the notice required by said Act to be given by publication, shall include the name, place of residence, and occupation or profession of the husband of the sole trader, to the intent that the individual giving notice may be better known.

Imputing want of chastity to women.

III. *And be it further enacted*, That from and after the passing of this Act, if any person shall utter and publish, either by writing or verbally, any words of and concerning any female, imputing to her a want of chastity, the said person, so uttering and publishing said words, shall and may be liable to be sued in a civil action for damages, by the said female of

whom said words may be uttered and published, without proving any special damage; subject, nevertheless, to the rules of evidence at common law. A. D. 1824.

IV. *And be it further enacted*, That no female shall hereafter be liable to be arrested by any writ of *capias ad satisfaciendum*.

V. *And be it further enacted*, That hereafter, those persons who may be appointed justices of the peace and quorum, for Saint Paul's parish, may qualify before the clerk of the court in Charleston, instead of the clerk of the court at Walterborough, as by law now directed.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of America.

JACOB BOND P'ON, *President of the Senate*.

JOHN B. O'NEALL, *Speaker of the House of Representatives*.

AN ACT to revise and amend the Judiciary System of this State. No. 2331.
(Passed December 17, 1824. *See last volume.*)

AN ACT to incorporate the Society of the Cincinnati of the State No. 2332.
of South Carolina.
(Passed December 16, 1824. *See last volume.*)

AN ACT to establish a Bank in the Town of Cheraw, and to incorporate the same. No. 2333.
(Passed December 18, 1824. *See last volume.*)

AN ACT FOR THE AMENDMENT OF THE LAW IN DIVERS PARTICULARS THEREIN MENTIONED. No. 2334.

I. *Be it enacted* by the Senate and House of Representatives, That no words of limitation shall hereafter be necessary to convey an estate in fee simple, by devise, but every gift of land by devise shall be considered as a gift in fee simple, unless such a construction be inconsistent with the will of the testator, expressed or implied. Words of limitation.

II. *And be it further enacted*, That no executor or executrix shall take upon himself or herself the administration of any will or devise, unless he or she be of the full age of twenty-one years. Executors.

A. D. 1824.

Dower.

III. *Be it further enacted*, That on all future assessments of dower against a purchaser, in behalf of a widow of a former owner, the value of the land, at the time of alienation by the husband, with interest, shall be taken and received by the courts of law and equity of this State, as the true value on which to assess the said dower.

Damages.

IV. *And be it further enacted*, That in any action or suit at law or in equity, for reimbursement or damages, upon covenant or otherwise, the true measure of damages shall be the amount of the purchase money at the time of the alienation, with legal interest.

Statute limitations.

V. *And be it further enacted*, That the statute of limitations shall not hereafter be construed to defeat the rights of minors, when the statute has not barred the right in the lifetime of the ancestor, before the accrual of the right of the minor.

Executors sales.

VI. *And be it further enacted*, That on all sales of personal property, hereafter to be made by executors and administrators, they shall first obtain an order from the court of Ordinary, or the court of Equity; and no sale hereafter made without such order shall be valid in Law or Equity, except it be directed by the will.

Limitations.

VII. *And be it further enacted*, That the second section of the Act of one thousand seven hundred and twelve, limiting the time for the prosecuting of a right or title to lands to five years, be altered so as to extend the time for the prosecution of such right or title to ten years.

Wills.

VIII. *And be it further enacted*, That from and after the first day of May next, all wills or testaments of personal property shall be executed in writing, and signed by the testator or testatrix, or by some other person in his or her presence, and by his or her express direction; and shall be attested and subscribed in the presence of the said testator or testatrix, by three or more credible witnesses, or else they shall be utterly void and of no effect.

Revocation.

IX. *And be it further enacted* by the authority aforesaid, That no revocation of any will or testament of personal property, shall prevail as such, which would not be effectual in law as a revocation of a will of real estate; provided, that nothing in this Act shall be construed to repeal the law in relation to nuncupative wills.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2335. AN ACT TO AUTHORIZE THE PAYMENT OF GRAND JURORS, AND TO INCREASE AND RENDER EXCLUSIVE THE JURISDICTION OF MAGISTRATES IN CIVIL CASES.

I. *Be it enacted* by the Senate and House of Representatives, and by the authority of the same, That from and after the first day of January next, all Grand Jurymen shall be paid for their services one dollar per day, in the same manner, to all intents and purposes, as Petit Jurymen now are by law.

II. *And be it further enacted* by the authority aforesaid, That the jurisdiction of justices of the peace, in matters of contract, to the amount of twenty dollars, shall be exclusive; with the same right of appeal, however, as now exists. A. D. 1824.

In the Senate House, on the sixteenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT to repeal an Act entitled "An Act to provide for the accommodation of the Court of Common Pleas and Sessions in Charleston." No. 2336.

(Passed December 16, 1824. *See last volume.*)

AN ACT to establish certain Roads, Bridges and Ferries. No. 2337.

(Passed December 18, 1824. *See last volume.*)

AN ACT concerning the State Roads, and for preserving and protecting the same. No. 2338.

(Passed December 17, 1824. *See last volume.*)

AN ACT TO AUTHORIZE CERTAIN PERSONS, THEREIN DESCRIBED, TO PLEAD AND PRACTISE AS ATTORNIES AND SOLICITORS IN THE COURTS OF LAW AND EQUITY IN THIS STATE. No. 2339.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter, when any application for admission to plead and practise in the Courts of Law and Equity of this State, shall be made by any citizen of the State of Georgia, who shall produce to the court in which such application shall be made, a certificate of a Judge of the Court of Common Pleas, or a Judge of the Court of Equity, (as the case may be,) of the aforesaid State of Georgia, duly attested under the seal of the said Court, stating in substance that such person has practised for three years, immediately preceding, in the Court to which the Judge

A. D. 1824. so certifying shall belong, as an Attorney or Solicitor, (as the case may be,) and has maintained a good moral and professional reputation, he shall forthwith be admitted to plead and practise as an Attorney or Solicitor, (as the case may be,) in the Courts of Law and Equity in this State, without a compliance with any form or requisite, except only the payment of the usual fees, and the taking the usual oath.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2340.

AN ACT to incorporate certain Societies.

(Passed December 18, 1824. *See last volume.*)

No. 2341. AN ACT to repeal the first section of an Act entitled "An Act to require the Officers of each Brigade of Militia to assemble in Brigade encampments, and for other purposes," passed the twentieth day of December, eighteen hundred and twenty-three; and for other purposes.

(Passed December 17, 1824. *See last volume.*)

No. 2342. AN ACT to alter and amend the charter of the Protestant Episcopal Society for the advancement of Christianity in South Carolina.

(Passed December 17, 1824. *See last volume.*)

No. 2343. AN ACT TO DIVIDE THE TOWN OF COLUMBIA INTO WARDS; AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, That the Town of Columbia shall be divided, according to its population and town taxation, into three equal wards, and that James S. Guignard, Abram Blanding, William Hall, Andrew Wallace and Daniel Morgan, be, and they are hereby appointed, Commissioners to make the said division, and a return thereof to the Intendant and Wardens of said Town.

II. *And be it further enacted*, That the inhabitants of said Town shall elect, as heretofore, the Intendant thereof; and that the inhabitants of each of the said wards shall elect, by ballot, from among themselves, two of the Wardens of the said town, at the times fixed by law, and at such places as the Intendant and Wardens of said Town, for the time being, shall appoint. A. D. 1824.

III. *And be it enacted*, That the Intendant and Wardens of said Town shall have power to lay a tax on all the personal taxable property within the said town.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and twenty four, and in the forty-ninth year of the Independence of the United States of America.

JACOB BOND L'ON, *President of the Senate.*

JOHN B. O'NEAL, *Speaker of the House of Representatives.*

AN ACT TO GIVE THE COMMISSIONERS OF THE POOR FOR THE SEVERAL No. 2344.
DISTRICTS AND PARISHES IN THIS STATE, THE POWER TO PURCHASE LANDS
AND BUILD POOR HOUSES THEREON, FOR THE SUPPORT AND MAINTENANCE
OF THE POOR OF SAID DISTRICTS AND PARISHES.

WHEREAS, the present regulations relating to the poor, while they tend to burthen the people with an onerous, unnecessary and increasing weight of taxes, have also a tendency to encourage idleness and extravagance on the part of the poor.

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the Commissioners of the Poor of the several parishes and districts shall be, and they are hereby, authorized and empowered, out of the monies collected for the poor tax, for said districts and parishes, to purchase lands, and thereon to build houses for the accommodation of the poor of said districts and parishes respectively; *provided*, that the amount of taxes, in any one year so taxed, be not more than thirty-seven and a half per cent. on the general taxes of said districts and parishes. Commissioners may buy land and build poor houses.

II. *And be it further enacted* by the authority aforesaid, That the Commissioners of the poor of the said districts and parishes respectively, shall have power to appoint a superintendant or superintendants of the poor for each district or parish aforesaid, who shall continue in office at the pleasure of the said Commissioners, whose particular duties shall be prescribed, and salary allowed him or them, by said Commissioners. Superintendent of poor.

III. *And be it further enacted* by the authority aforesaid, That the said Commissioners shall be authorized, out of the monies arising from the poor tax of the said districts and parishes, to purchase the necessary provisions and clothing for the comfort of the poor of their respective districts and parishes aforesaid; and they shall further have power, and they are hereby required, to impose on such poor as are benefited and relieved by the poor tax of said districts and parishes, such reasonable labor, they may judge proper and necessary to be performed towards their own support. Provisions and clothing may be bought.

IV. *And be it further enacted*, by the authority aforesaid, That the Commissioners of the poor for the several districts and parishes in this State, shall

A. D. 1824.
 Annual appropriations and return on oath. have power, and they are hereby required, to make appropriations for the annual support of such poor, of their respective districts and parishes, as the said Commissioners, according to their peculiar circumstances, and in their sound discretion, may think proper, to board out with their relations and friends; and that the said commissioners shall be, and they are hereby, required to make an annual return, on oath, to the Comptroller-general, to be by him submitted to the legislature, of the amount of monies received, and of the amount and manner of its expenditure, together with the number and names of the persons thus relieved and supported.

V. *And be it further enacted*, That the said Commissioners shall have full power to adopt all necessary rules and regulations to carry the provisions of this Act into full and complete effect.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2345. AN ACT to amend the charter of the Bank of the State of South Carolina.

(Passed December 18, 1824. *See last volume.*)

No 2346. AN ACT MAKING IT UNNECESSARY FOR THE SHERIFFS OF CERTAIN DISTRICTS, HEREIN MENTIONED, TO ADVERTISE SALES OF PROPERTY TAKEN IN EXECUTION IN THE PUBLIC GAZETTES.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, it shall not be necessary for the Sheriffs of Union district, York district, Sumter, Lancaster, Colleton, Marlborough, Darlington and Chester districts, to advertise, in the public gazettes, any property to be sold by them; any law, usage or custom to the contrary thereof in any wise notwithstanding; *provided*, that notice of the said sales be put up at the court-house door and two other public places in the district, as provided by law in those districts where advertizements in the gazettes are dispensed with.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

A. D. 1824.

**AN ACT TO VEST IN WILLIAM WILKIE THE BRIDGE OVER THE NORTH
BRANCH OF STONO RIVER, COMMONLY CALLED RANTOLE'S BRIDGE.** No. 2347.

ovWHEREAS, William Wilkie having purchased the leases of the bridges over the north and south branches of the Storfo river, commonly called Rantole's and Wallace's bridges, has it in contemplation to erect a new bridge over the north branch of the said river, for the completion of which he has entered into contracts, and provided materials at considerable expense; and whereas, the charter of the said bridge, heretofore granted to James H. Ancrum, is about to expire—

I. *Be it therefore enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the bridge commonly called Rantole's bridge, and the causeway attached to the same, in St. Andrew's parish, be, and the same is hereby, vested in the said William Wilkie, his heirs and assigns, for the term of fifteen years, from and after the expiration of the present lease, upon the express condition, that the said William Wilkie shall rebuild the said bridge, and keep the same, and the causeway thereunto attached, in such good repair as to be at all times passable.

II. *And be it further enacted* by the authority aforesaid, That Thomas Smith, jr. Charles Boyle and John Ramsay, be, and they are hereby, appointed to examine and approve of the said bridge when completed, who shall take from the said William Wilkie a bond, with sufficient security, in the penal sum of three thousand dollars, payable to the State of South Carolina, to secure the performance of the above mentioned condition.

III. *And be it further enacted* by the authority aforesaid, That the said William Wilkie, when the said bridge and causeway are completed, shall be allowed the same tolls as have heretofore been allowed by law at the said Rantole's bridge.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

**AN ACT TO PROTECT THE PURITY AND PUNISH THE ABUSES OF THE
ELECTIVE FRANCHISE IN THE CITY OF CHARLESTON AND OTHER PARTS
OF THIS STATE; AND FOR OTHER PURPOSES THEREIN MENTIONED.** No. 2348.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the non-commissioned officers of the city guard, and the privates of the same, being for the time being in the pay and under the controul of the city authorities, shall not be allowed to vote at elections for Intendant and Wardens, or either of them, in the city of Charleston, during the period of their service.

A.D. 1824.

II. *And be it further enacted*, That if any person shall directly or indirectly offer, give or engage to pay any sum of money or other valuable consideration to another, in order to induce such other person to procure for him, by his interest, influence, or any other means whatsoever, any office or place of trust within this State; or shall offer, give, promise or bestow any reward by meat, drink, or otherwise, for the aforesaid purpose, and be thereof convicted, he shall forfeit the sum of not less than one nor more than five hundred dollars, and suffer imprisonment for a term not exceeding six months.

III. *And be it further enacted*, That if any person shall receive of another any sum of money, or reward of meat, drink or otherwise valuable consideration, for procuring, or assisting to procure, any office or place of trust in this State, for any other person whatever, and be thereof convicted, he shall forfeit the sum of not more than one hundred dollars, and suffer imprisonment at the discretion of the court having cognizance of the same; and if such offender be in any office, he shall on the conviction be disabled from holding the same. And for the more easy conviction of such offenders,

IV. *Be it further enacted*, That if either of the parties offending as aforesaid, shall give information upon oath against the other offending party, and shall duly prosecute such information, such informer shall be free from the penalties aforesaid.

V. *And be it further enacted*, That if any person shall, at any of the elections herein mentioned, threaten, mal-treat or abuse any voter, with a view to controul or intimidate him in the free exercise of his right of suffrage, such offender shall suffer fine and imprisonment at the discretion of the court.

VI. *And be it further enacted*, That all offences against this Act shall be heard, tried, and determined before the Court of Sessions and General Gaol delivery, and the pecuniary penalties accruing thereby shall go one third to the informer, and the remainder to the State.

VII. *And be it further enacted* by the authority aforesaid, That the elections for the Intendant and Wardens of Charleston shall in future be held at four places, one of which shall be in each of the four wards; and the residents in the same shall be required to vote in that ward in which they reside.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of America

JACOB BOND L'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2349. AN ACT to amend the Acts for the incorporation of the State Bank.

(Passed December 16, 1824. See last volume.)

A. D. 1824.

No. 2350.

AN ACT TO AUTHORIZE THE EXECUTORS OF ANN SCOTT TO COMPLY WITH THE DIRECTIONS OF HER WILL; AND FOR OTHER PURPOSES.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Henry H. Bacot and William Roach, executors of the last will and testament of the said Ann Scott, be, and they are hereby, authorized and empowered to pay over or deliver the property of the estate of the said Ann Scott to the persons to whom it is devised or bequeathed, and to emancipate by deed, to be recorded in the office of the clerk of the court of common pleas for Charleston district, the negro woman named Patty, and her two children; *provided*, that the said executors do, within one month after the date of said deed, send the said slaves beyond the limits of this State: *And provided also*, that the city council of Charleston do give their consent to the said manumission.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT TO PERMIT CHARLES PENCIL, A FREE PERSON OF COLOR, TO RETURN TO THIS STATE.

WHEREAS, Charles Pencil, a free person of color, formerly resident in the city of Charleston, hath exhibited his petition, praying for permission to return to this State: And whereas, it appears by the testimonials of many of the good citizens of the said city of Charleston, that the said Charles Pencil is a person of good character, and belongs to a family who have done much public service in the detection of the late servile rebellion in Charleston:

I. *Be it therefore enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the said Charles Pencil be, and he is hereby, permitted to return to and reside within this State; any law to the contrary notwithstanding.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

A. D. 1824.

No. 2352. AN ACT TO EMPOWER THE VESTRY-MEN AND MEMBERS OF THE ROMAN CATHOLIC CHURCH OF ST. PETER'S, OF THE TOWN OF COLUMBIA, TO ESTABLISH A LOTTERY OR LOTTERIES.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the vestry-men and members of the said church, for the time being, shall have power and authority, and they are hereby fully authorized and empowered, to establish a Lottery or Lotteries, and to proceed to the drawing of the same, for the use, benefit, and support of the said church: *Provided*, the sum of money to be raised thereby shall not exceed ten thousand dollars.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2353. AN ACT TO VEST IN THE TRUSTEES OF THE CEDAR SPRING ACADEMIES, IN SPARTANBURGH DISTRICT, AND IN THE TRUSTEES OF THE EDGEFIELD VILLAGE ACADEMY, THE ESCHEATED PROPERTY THEREIN NAMED FOR EACH DISTRICT RESPECTIVELY; AND FOR OTHER PURPOSES.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all such property as has heretofore, not otherwise disposed of, or shall hereafter accrue to the State, within the district of Spartanburgh, by virtue of an Act entitled "An Act to appoint Escheators and regulate escheats," shall be, and the same is hereby, vested in the Trustees of the Cedar Spring Academies, for the purpose of endowing and supporting two Academies, male and female, in the said district.

II. *And be it further enacted* by the authority aforesaid, That whenever the said trustees shall have received from the sale of escheated property the sum of ten thousand dollars, then, and immediately thereafter, this grant shall cease and determine: *Provided*, that nothing herein contained shall be so construed as to restrict the Legislature from vesting in any person or persons any escheated property within the said district, who may have an equitable claim thereto.

III. *And be it further enacted* by the authority aforesaid, That the trustees of the Edgefield Village Academy be, and the same are hereby, incorporated by the name and title of "The Trustees of the Edgefield Village Academy," and that the same be a body politic and corporate in law, with the powers of suing and being sued, contracting and being contracted with, of holding and enjoying property and estate, both real and personal, with the right of succession, and all other rights, immunities, and privileges enjoyed by other incorporated bodies.

Escheated property vested in the Cedar Spring Academies.

The amount not to exceed ten thousand dollars.

Edgefield Village Academy incorporated.

IV. *And be it further enacted*, That all such property and estate as has heretofore, not otherwise disposed of, or may hereafter accrue to the State within the district of Edgefield, by virtue of an Act entitled "An Act to appoint escheators and regulate escheats," shall be, and the same is hereby, vested in the trustees of the said Edgefield Village Academy, and the Society Academy, for the purpose of endowing and supporting the said Edgefield Village Academy and the Society Academy: *Provided*, the said sum arising from escheated property so appropriated, shall not exceed the sum of ten thousand dollars.

A.D. 1824.

Escheated property vested in the trustees of said Academy.

V. *And be it further enacted*, That the old court-house of Darlington district be, and the same is hereby, vested in the commissioners of roads for that district, and their successors in office, to be used for such public and other purposes as they may allow: *Provided*, that nothing herein contained shall be so construed as to prevent the said old court-house from being used as a court-house by the courts of general sessions and common pleas, until the new court house may be completed.

Old court-house in Darlington disposed of.

VI. *And be it further enacted* by the authority aforesaid, That the escheated property within York district, to the amount of ten thousand dollars, be vested in the trustees of the Ebenezer Academy, and their successors in said district, for the use and benefit of said academy.

Escheated property in York district, vested in the trustees of the Ebenezer Academy.

VII. *And be it further enacted*, That all property, real and personal, situate and being in the district of Abbeville, which has now escheated, or may hereafter escheat, be transferred to the commissioners of the poor, for the benefit of the poor of said district: And that William Lesley is hereby appointed escheator of said district, on his giving the usual bond and security; any law to the contrary notwithstanding.

Escheated property in Abbeville vested in Commissioners of the poor, and Escheator appointed.

VIII. *And be it further enacted* by the authority aforesaid, That Minor Sadler be, and he is hereby appointed, escheator for York district, upon his giving the usual bond and security; any law, usage or custom to the contrary notwithstanding.

Escheator appointed for York district.

IX. *And be further it enacted* by the authority aforesaid, That the proceeds of the sale of the real estate of James Mead, deceased, which has escheated, be vested in John Scamell, jun., as administrator of the said James Mead, for the purpose of being distributed amongst his next of kin.

Estate of James Mead to be given to his heirs.

In the Senate House, on the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty ninth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JONH B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE ABRAHAM NOTT, ONE OF THE ASSOCIATE JUSTICES OF THE STATE, TO LEAVE THE STATE FOR A SHORT TIME. No. 2354.

I. *Be it enacted* by the honorable the Senate and House of Representatives of the said State, That permission is hereby given and granted to Abraham Nott, one of the Judges of the Court of Law, to be absent from this State, for and during the period of three months from the first day of January next.

In the Senate House, the sixteenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

A. D. 1824.

No. 2355. AN ACT TO GIVE JURISDICTION TO THE JUDGES OF THE COURTS OF ORDINARY, THROUGHOUT THE STATE, TO ORDER THE SALE OR DIVISION OF REAL ESTATES, NOT EXCEEDING A CERTAIN VALUE.

Preamble.

WHEREAS, the division or sale of real estates of small value, by the usual proceedings in the courts of equity, are found by experience to be unnecessarily tedious and expensive : for remedy whereof,

Ordinaries authorized to sell or divide real estates.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passage of this Act, the judges of the courts of ordinary of the several districts throughout the State, shall have full power and authority, upon the application of any person or persons interested therein, to make sale or division of the real estate of any person or persons who may have died, or shall hereafter die, intestate, or leaving a will : *Provided*, the said will has or shall not otherwise direct : *And provided also*, that the value of the said real estate, to be ascertained by the judges of the said courts of ordinary, respectively, upon the oath or oaths of a credible witness or witnesses, shall not exceed one thousand dollars in value : *And provided also*, that there shall be a right of appeal from the decision of the ordinary to the court of common pleas.

Summons to be issued.

II. *And be it further enacted* by the authority aforesaid, That upon the application of any person or persons interested in any real estate as aforesaid, not exceeding the aforesaid value, the ordinary shall proceed to issue his summons in the words following, (varying the same according to the circumstances of each case respectively,) that is to say :

"The State of South Carolina. To A B, C D, and E F, legal heirs and representatives of G H, who died intestate, (or devisees of G H, in case he died leaving a will, which did not direct how a division was to be made,) Greeting :—You are hereby required to appear at the court of ordinary, to be holden at _____ court-house, for _____ district, on the _____ day of _____, A. D. 182—, to shew cause, if any you can, why the real estate of G H, deceased, situate in said district, on _____, bounding _____, and containing _____ acres, originally granted to _____, should not be divided or sold ; allotting to the said A B one third thereof, and the remaining two thirds in equal portions to the said C D and E F.

Given under my hand and seal, this _____ day of _____, 182—.

J. K. [Seal.] Ordinary,
District."

Sheriffs to serve the writ of summons.

III. *And be it further enacted* by the authority aforesaid, That the sheriffs of said districts, respectively, shall, if required by the party applying, be compelled to serve each party interested with a copy of said writ of summons, the original being duly attested under the hand and seal of the ordinary, for the usual fees ; or the said summons may in like manner be duly served and proved by any disinterested persons who may undertake the same ; or the service of the same may be consented to by a written acceptance of the parties interested, endorsed by the said ordinary on the said original summons : And in case there are minors interested, the judges of the courts of ordinary, respectively, shall have full power and authority to appoint a guardian or guardians, ad litem in each case, as well as a guardian or guardians for the persons and estates of said minors,

interested as aforesaid, and take the usual bond or bonds in cases of guardianship, wherever the case may require it; for which service he shall be entitled to a fee of three dollars, and shall take the written consent of said guardian or guardians, endorsed on the said original summons, on behalf of his, her, or their ward or wards: And in case either or any of the parties reside without the limits of the State, and do not consent in writing to a division or sale of the said estate, the ordinary shall have power, and he is hereby required, to advertise for his, her or their appearance, in the nearest regularly published newspaper, once in each week, for eight weeks, in the words following, viz:—

A. D. 1824.

SOUTH CAROLINA, } A. B. *Applicant*, against C. D. and
District. } E. F. *Defendants*.

appearing to my satisfaction, that E F, one of the defendants, resides out of this State—it is therefore ordered, that he do appear and object to the division or sale of the real estate of G H, on or before the _____ of _____, or his consent to the same will be entered of record.

J. K. *Ordinary*.

District."

V. *And be it further enacted* by the authority aforesaid, That if the party or parties residing without the State, shall not appear, and sufficient cause against the division or sale, within the time aforesaid, the said ordinary shall proceed to enter of record his, her or their consent, as confessed: And if upon the return of the original summons issued as aforesaid, served, accepted, or consented to, there shall, in opinion of the ordinary, be no good cause shewn why a division or sale of the said premises shall not take place, he shall proceed to determine, upon the examination, on oath, of credible witnesses, acquainted with the premises, whether it will be most for the advantage of the parties in interest, that the said premises shall be sold or divided: And if he shall determine in favor of a sale, he shall enter of record an order of sale, in the words following, (varying the form according to the circumstances of each case,) viz:

"A B, *Applicant*,
vs. } *Summons in partition.*
C D and E F, *Defendants*.

On due examination, it is ordered and decreed, that the lands described in the summons in partition, in this case, be sold by the sheriff of _____ district, on the first Monday in _____ next, or on such other sale day as will be most for the advantage of the parties in interest, on a credit of _____, the purchaser giving bond with good security, and a mortgage of the premises, if deemed necessary, to the ordinary, for the payment of the purchase money.

Signed,

J. K. *Ordinary*,

District."

V. *And be it further enacted* by the authority aforesaid, That in case the ordinary shall determine in favor of a division of the said estate, he is hereby authorized and required to issue, under his hand and seal, his writ directed to three or more discreet persons, a majority of whom shall have power to act, requiring them, under oath, to be administered to each other, to go on the premises, assisted by a surveyor if necessary, and make a division among the parties interested, according to their respective rights, and shall make their return to the said ordinary, with the necessary plat or plats, marks and designations; which writ shall be substantially in the words following, viz:—

Writ of partition to be issued.

A. D. 1824.

"The State of South Carolina, } To L M, N O, and P Q, or any two of
District. } them.

Form of the
said writ.

You are hereby required, with a surveyor, if necessary, to go upon the land described in a writ of summons, wherein A B is applicant, and C D and E F are defendants, and to divide the same between the said parties in interest, according to their interests respectively; that is to say, allotting to the said A B one third thereof, and the remaining two thirds equally between the said C D and E F, (varying the writ of course according to the facts of each case,) and that you make your return to me, on oath.

Given under my hand and seal the _____ day of _____, A. D., 182-.

J. K. [Seal.] Ordinary,
District."

Form of the
return.

VI. *And be it further enacted* by the authority aforesaid, That the return of the said commissioners, or a majority of them, shall be in the words following, to be varied as each case may require, viz:—

"South Carolina, } We, L M, N O, and P Q, commissioners
District. } named in a writ, to divide between A B, C D,
_____ } and E F, a tract of land mentioned therein, have
been upon the same, (or are well acquainted with the extent, quality and
situation of the same,) and value it at _____, and do divide
the same among the said parties, allotting to the said A B (such a part,
describing it,) and to the said C D and E F (certain other parts, describ-
ing each part distinctly;) as will more clearly appear by a plat thereof
hereunto annexed, dated the _____ day of _____, 182-.

Given under our hands and seals this _____ day of _____, 182-.

L. M. [Seal.]
N. O. [Seal.]
P. Q. [Seal.]

Return to be
approved.

And if the said ordinary shall approve of the said return, he shall endorse upon the same the words "Examined, approved and confirmed by me, this _____ day of _____, 182-.

J. K. Ordinary,
District."

Proceedings to
be returned and
filed.

VII. *And be it further enacted* by the authority aforesaid, That all the said proceedings shall be returned to the offices of the respective ordinaries, and be by them carefully filed and kept as matters of record: And the said ordinaries shall each keep a book or books, in which they shall record each writ of summons, as aforesaid, and each order of sale, in all cases wherein a sale shall be ordered; and also the returns of the commissioners, in such cases as returns are made and confirmed, and the lands divided: And in all cases where a sale is ordered upon the return of the summons in partition, the said ordinaries shall receive, in each case, as a full compensation for their services, the sum of ten dollars; and in all cases where there shall be the additional proceedings of a writ of partition, and commissioners's return, &c., they shall receive, in each case, the sum of twelve dollars, as a full compensation for all their services; except where they appoint guardians, and take bonds, &c., in which cases they shall, in addition, receive the fee herein before specified.

Fees of the
Ordinary.Ordinary to
keep his office
at the court-
house.

VIII. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, every judge of ordinary in this State shall be, and he is hereby, required to keep his office at the court-house in every district respectively, in which courts of ordinary are established; and that they shall keep their offices open from nine o'clock in the morning, until three o'clock in the evening, on the Monday in each and every

week:—*Provided*, that nothing in this clause shall be construed to repeal so much of an Act passed in eighteen hundred and eleven, as relates to Charleston.

A. D. 1824.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY-FOUR. No. 2356.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, for the use and service thereof; that is to say, That thirty-seven and a half cents ad valorem on every hundred dollars, of the value of all lands granted in this State; the sum of seventy-five cents per head on all slaves of every description; and the sum of two dollars per head on all free negroes, mulattoes, and mestizoes, (except such as shall be clearly proved to the satisfaction of the collectors to be incapable, from maims or otherwise, of providing a livelihood,) between the ages of fifteen and fifty; and thirty-seven and a half cents ad valorem on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough; and seventy-five cents per hundred dollars, on factorage employment, faculties and professions, and on the amount of commissions received by vendue-masters and commission merchants, (clergymen, schoolmasters, schoolmistresses and mechanics excepted,) to be ascertained and rated by the assessors and collectors throughout this State, according to the best of their knowledge and information; to be paid in specie, paper medium, or the notes of the banks of this State.

Tax to be raised on lands, negroes, &c. to be paid in notes of the incorporated Banks of this State, &c.

II. *And be it further enacted* by the authority aforesaid, That any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay, for the use of the State, a three fold tax on the same; but this clause shall not be construed to extend to any person sent, or hereafter to be sent, abroad in the service of this State, or the United States, until one year after the expiration of his commission.

Absentees to pay three fold.

III. *And be it further enacted* by the authority aforesaid, That all persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, and those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of twenty dollars per day, where they make their exhibitions; which sums shall be paid into the hands of the clerks of the court respectively, who shall be bound to pay over the same into the public treasury annually; and in case of non-payment on demand, the clerk of the court, or any justice of the peace or quorum, is hereby authorized and required forthwith to issue an execution, directed to any sheriff or constable of the district, against the body or goods of the said person or persons liable to

Tax on plays and shows.

A. D. 1824.

Tax on stock
in trade.

Oath.

Paper medium
debt called in.Defaulting col-
lectors to pay
5 per cent a
month.Tax on stock
in trade.Information to
be given of
property sold.Tax on persons
who sell
Lottery tickets.

pay the said tax ; provided, that nothing herein contained shall be construed to extend to any incorporated town or city.

IV. *And be it further enacted* by the authority aforesaid, That seventy-five cents shall be levied on every hundred dollars worth of goods, wares and merchandize, embracing all articles of trade for sale, barter or exchange, (the products of the State, and the unmanufactured products of any of the United States, excepted,) which any person shall employ or use as articles of trade, or for sale, barter or exchange, and have in his, her or their possession, on the first day of January, in the year one thousand eight hundred and twenty-five, either on his, her or their own account, or purchased by his, her or their capital, or borrowed capital, or on account of any person or persons, as agent, attorney or consignee ; to be assessed by the assessors and collectors throughout this State, according to the best of their knowledge and information ; and that every person or persons making a return of such goods, wares or merchandize, to a tax collector, shall take the following oath or affirmation ; "I, A. B. do solemnly swear, (or affirm) that the return which I now make, is, to the best of my knowledge and belief, a just and true return of the amount or value of all the goods, wares and merchandize, (the products of this State, or the unmanufactured products of any of the United States excepted,) which I held in my possession, on the first day of January, one thousand eight hundred and twenty-five, for sale, barter or exchange, either on my own account, or upon borrowed capital, or on account of others, as agent, attorney or consignee. So help me God."

V. *And be it further enacted* by the authority aforesaid, That the treasurer of the lower division be, and he is hereby, authorized and empowered to call in one fourth part of the principal, with all the interest, due on the bonds to the paper medium loan office, giving due notice thereof.

VI. *And be it further enacted* by the authority aforesaid, That if any tax collector within this State shall refuse or neglect to make his return, and pay the taxes, within the time prescribed by law, which had been received by him, it shall be the duty of the treasurer, within whose division such default shall be made, in addition to the coercive powers which they now possess, to charge the said collector with the interest, at the rate of five per cent per month, from the time he ought to have made such return and paid the taxes, to the time of such settlement.

VII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of such collector to proceed to collect, from such persons so selling as aforesaid, the tax required by law to be paid on stock in trade, within five days after receiving such return ; and in default of receiving such return, to prosecute the offender or offenders.

VIII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of every taxable inhabitant of this State, who shall, since his last return, and prior to the first day of October last, have sold any personal or real property liable to tax, (except stock in trade) to give information at the time of making his next return, of such sale, and the name of the person to whom sold, to the tax collector of the district in which he may reside, to the end that the said tax collector may be better enabled to collect the public dues.

IX. *And be it further enacted* by the authority aforesaid, That after the passing of this Act, no person shall, open or keep any office for the sale of lottery tickets, or sell or offer for sale any lottery tickets, in any other lotteries than such as are or may be authorized by the laws of this State, unless such person shall first have paid to the tax collector of the parish

or district, a tax of five hundred dollars for such privilege; and if any person shall open or keep any office for the sale of lottery tickets, or shall sell, or offer for sale, any lottery tickets, without having paid the said tax, such person shall on conviction thereof by indictment, forfeit and pay the sum of one thousand dollars; and it shall be the duty of the tax collector of the district or parish in which such office is kept, or in which such lottery tickets may be sold, or offered for sale, to prosecute all persons who shall offend against the provisions of this Act.

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X. *And be it further enacted* by the authority aforesaid, That the Phoenix Insurance Company be, and they are hereby, authorized and permitted to underwrite any policies of insurance, of any kind whatsoever, and of any value, as fully and as completely as they were permitted to do anterior to the Act for the year one thousand eight hundred and fourteen; *provided*, that the said company pay into the treasury of the State, four thousand dollars.

Phoenix Insurance Company allowed to underwrite.

XI. *And be it further enacted* by the authority aforesaid, That the treasurer of each division be, and he is hereby, authorized and required to pay all appropriations, made for and on account of any officer of this State, or other appropriation, within his division; except the officers of each branch of the legislature, who shall be paid by the treasurer of the upper division, at the end of the session of the legislature; and except the pay bills of the members of the legislature, which shall be paid upon presentment at either of the treasuries; and it shall be the duty of each of the treasurers, whenever he shall make any payment, to take a duplicate receipt, and forward the same to the comptroller-general, with his monthly report.

Salaries, &c. how to be paid.

XII. *And be it further enacted* by the authority aforesaid, That the President and Directors of the Bank of the State of South Carolina shall be, and they are hereby, authorized and empowered to sell, for ready money, after due notice given in some of the gazettes of the city of Charleston, a sum not exceeding two hundred and fifty thousand dollars of stock of this State, bearing an interest of five per cent. at such times, and in such sums, and at such places as they may think advisable; provided the same shall not at any time be sold under par.

Stock of the State to be sold.

XIII. *And be it further enacted* by the authority aforesaid, That the treasurer of the lower division, under the direction of the comptroller-general, shall, from time to time, as he may be called on by the bank of the State, make out certificates of stock, bearing an interest of five per cent. payable quarter yearly, in the names of such persons, and for such sums, as the President and Directors of said Bank, by resolution of the board thereof, may require, not exceeding in the whole the above mentioned sum of two hundred and fifty thousand dollars; and it shall be the duty of the treasurer of the lower division to conduct the business in relation to the stock hereby directed to be issued, in the same manner as he now does the stock issued under the Acts of eighteen hundred and twenty, and eighteen hundred and twenty-two.

Certificates of stock to be issued.

XIV. *And be it further enacted* by the authority aforesaid, That the stock hereby ordered to be issued, shall not be redeemable by the State, before the year of our Lord one thousand eight hundred and forty-five; and that the faith of the State, the capital and dividends of the Bank of the State, are hereby solemnly pledged for the payment of the interest and final redemption of said debt; and that the form of the certificates authorized to be issued, shall be substantially the same as those heretofore issued.

Stock redeemable in the year 1845. Funds of the Bank pledged to pay it.

XV. *And be it further enacted*, That the comptroller-general be, and he is hereby, required to report to the legislature, at the next session, the amount of stock issued under this Act.

Comptroller to report the amount of stock issued.

A. D. 1824.

Commissioners
of public build-
ings to adver-
tise for propo-
sals.

XVI. *And be it further enacted* by the authority aforesaid, That the commissioners of public buildings throughout this State, wherever there is any building to be erected, do hereafter advertise in some one of the papers of this State, for sealed proposals, at least six weeks previous to the day of letting said building or buildings; and that they do take the lowest proposal that can give good and sufficient security for said building or buildings, according to their contract.

Act to divide
the town of
Columbia into
wards.

XVII. *And be it further enacted* by the authority aforesaid, That the third clause of the Act "to divide the town of Columbia into wards, and for other purposes therein mentioned," passed at this session, giving to the intendant and wardens of said town the power of laying a tax on all the personal taxable property within the said town, shall be construed as to empower the said intendant and wardens to lay a tax not exceeding twelve and a half cents on each slave within said town, and upon no other personal property whatever.

Confiscated
lands to be
sold.

XVIII. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized and required to cause all confiscated lands which are unsold, or which may have been bought in for the State at former sales, and now belong to the same, to be sold as soon after the passing of this Act, and upon such terms, as may in his opinion best comport with the interests of the State, and to make a report of the same to the legislature.

Commissioners
to be appointed
to attend such
sales.

XIX. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized to appoint, whenever such sales are to be made, any number of commissioners, not exceeding five, who shall attend the sales of such lands, and act in relation thereto, pursuant to such instructions as the comptroller-general may think it for the interest of the State to give.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2357. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY-FOUR; AND FOR OTHER PURPOSES.

Appropriations I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be appropriated for the salaries of the public officers, and for other purposes, viz:—

For the salary of the Governor, three thousand five hundred dollars.

For the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of six Judges of the court of Common Pleas, each three thousand five hundred dollars.

For the salary of one judge of the court of common pleas, two thousand five hundred and seventy-two dollars.

For the salaries of three Judges of the Court of Appeals, each three thousand five hundred dollars.

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For the salary of two Chancellors, three thousand five hundred dollars each.

For the salary of the Attorney-General, twelve hundred dollars.

For the salary of the Comptroller-general, two thousand five hundred dollars.

For stationary for the office of the Comptroller-general, one hundred dollars, if so much be necessary.

For the salary of a clerk to the Comptroller-general, one thousand dollars; which clerk shall be appointed by and be removable at the pleasure of the Comptroller-general.

For the salaries of five Circuit Solicitors, in lieu of all charges against the State, for the performance of every duty of their office, each seven hundred dollars.

For the salary of the Treasurer in Charleston, and for transacting the business of the loan office, five and six per cent. stock of the State, and for clerks, three thousand dollars.

For the Treasurer in Columbia, including clerks, two thousand dollars.

For the salaries of the Clerks of the Senate and House of Representatives, each twelve hundred and thirty dollars, to be paid at the adjournment of the Legislature.

For a contingent fund, subject to the draft of the Governor, for the expenditure of which he shall submit an account annually to the Legislature, fifteen thousand dollars.

For the Transient Poor of the city of Charleston, payable to the city Council, twelve thousand dollars.

For the expenses of the Members of the Legislature, during the present session, and for the pay of the Solicitors for their attendance during the same, eighteen thousand dollars, if so much be necessary.

For two Doorkeepers and two Messengers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature.

For the rent of the Governor's house in Columbia, three hundred dollars.

For the contingent accounts of the lower division, fifteen thousand dollars, if so much be necessary.

For the contingent accounts of the upper division, fifteen thousand dollars, if so much be necessary.

For the support of the transient poor of Georgetown, to be expended by the commissioners of the poor of Prince George Winyaw, eight hundred dollars: And the said commissioners shall publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sums paid to and for each of them; and return, upon oath, an account of such expenditure, annually, to the comptroller-general, to be by him submitted to the Legislature.

For the salary of the President of the South Carolina College, three thousand dollars.

For the salaries of the Professor of Metaphysics and Moral Philosophy, and the Evidences of Christianity, the Professor of Languages, and the Professor of Mathematics, and the Professor of Elements of Criticism, Logic and Philosophy of Languages, each two thousand dollars.

For the salary of the Professor of Geology and Mineralogy, one thousand dollars; and five hundred dollars for making a Geological and Mineralogical tour, during the recess of College, and furnishing specimens of the same.

For the commons and other incidental expenses of one student in the College, from the Orphan House, during the ensuing year, to be paid to the Cashier of the Branch of the Bank of the State of South Carolina,

A. D. 1824. in Columbia, for the use of the said student, two hundred and sixty dollars.

For the pay of a magazine guard, near Charleston, to consist of an officer, a sergeant and twelve privates, to be paid by and under the direction of the comptroller-general, four thousand dollars.

For the salary of the Librarian of the Legislature, one hundred dollars.

For the salary of the Librarian of the South Carolina College, four hundred dollars.

For claims agreed to by the Legislature at its present session, twenty thousand dollars, if so much be necessary.

For public buildings, according to the report of the committee on public buildings, seventy-one thousand dollars, if so much be necessary.

For pensions agreed to by the Legislature at different times, fourteen thousand dollars, if so much be necessary.

For the pay of the Clerk of the Court of Common Pleas of Richland district, for attending the Constitutional Court in Columbia, one hundred and fifty dollars.

For the Commissioner in Equity of Richland district, for attending the Court of Appeals in Equity at Columbia, one hundred dollars.

For the Sheriff of Richland district, for attending the Constitutional Court and Court of Appeals in Equity in Columbia, and for furnishing fuel and candles, one hundred and fifty dollars.

For the Clerk of the Court of Charleston, for attending the Constitutional Court in Charleston, one hundred and fifty dollars.

For the Sheriff of Charleston district, for attending the Constitutional Court and Court of Appeals in Charleston, and for furnishing fuel and candles, one hundred and fifty dollars.

For the keeper of the State House in Columbia, one hundred and thirty dollars.

For the Arsenal keeper in Charleston, six hundred dollars.

For the salary of the Port Physician in Charleston, including boat hire and other expenses incident to his office, one thousand dollars.

For the arsenal keeper and powder receiver in Camden, three hundred dollars.

For the arsenal keeper in Abbeville, one hundred and fifty dollars.

For the arsenal keeper and powder receiver in Beaufort, two hundred and fifty dollars.

For the pilots of the bars and harbours of Beaufort and Georgetown, each three hundred and twenty dollars.

For annuities, nine thousand dollars, if so much be necessary.

For the salary of the Adjutant and Inspector General, two thousand dollars.

For the pay of the magazine guard of Camden, to consist of an officer, sergeant, and twelve privates, to be paid under the direction of the Comptroller-general, two thousand four hundred dollars.

For Daniel and John M. Faust, for printing the Acts and Resolutions of the Legislature, the resolutions for the general election, and the Journals of the Senate, fifteen hundred dollars.

For Black & Sweeny, for printing the Journals of the House of Representatives, one thousand and fifty dollars.

For Daniel & John M. Faust, for printing done in the last year, pursuant to a report agreed to by both branches of the Legislature, three hundred and fifty dollars.

For the Physician of the magazine guard and gaol of Charleston, for the year eighteen hundred and twenty-four, five hundred dollars.

For the transient poor of the town of Beaufort, payable to the town council, three hundred dollars : And the said council shall make a return of the expenditures for the said poor to the Comptroller-general, to be by him submitted to the Legislature.

A. D. 1824.

For the salary of the State Reporter, one thousand dollars.

For the support of free schools, thirty-seven thousand dollars ; And the commissioners of free schools, in each district and parish, shall be authorized to draw for unexpended balances of appropriations heretofore made for free schools in such district or parish, to be drawn in the manner prescribed by the Act to raise supplies for the year eighteen hundred and twenty-three.

II. *And be it further enacted* by the authority aforesaid, That the following sums be, and they are hereby, appropriated for the following purposes, as agreed to by both branches of the Legislature at the present session ; that is to say :—

For Andrew Bay, for services rendered as assessor of the parishes of St. Philip's and St. Michael's, for the year eighteen hundred and twenty-three, eight hundred dollars.

For William Mayson, for a negro executed, one hundred and twenty-two dollars forty-four cents.

For Hugh M'Burney, in payment of certain lots of land in Walterborough, one hundred and fifty dollars.

For Samuel Davis, for a negro executed, fifty dollars.

For James Vessels and others, in payment of the balance of a pension due them, twenty dollars forty cents.

For the painting and other repairs of the court-house and gaol in Lexington, two hundred and eighty-one dollars twenty-five cents.

For Adolph Beckman, for repairs on Charleston gaol, forty-two dollars fifty cents.

For Jacob Moses, for his attendance as a Constable on the Court of Equity and Court of Appeals, in Charleston, forty dollars.

For John M'Calister, for services rendered by him to a transient pauper, eighty dollars.

For Dr. William Anderson, for medical services rendered to a pauper, eighty-two dollars.

For Dr. A. B. Arnold, for attendance on a State prisoner, thirty dollars.

For Drs. Arnold & Livingston, for medical attendance on a prisoner at Abbeville court-house, twenty dollars.

For Charles Beck, for work done on Newberry court-house, sixty-five dollars.

For John G. Smith and others, for a carriage furnished for a piece of artillery, sixty dollars.

For Charles Gray, for a negro executed, one hundred and twenty-two dollars forty-four cents.

For David Lesley, James Wardlaw, and A. C. Hamilton, in payment of their costs as attorney, clerk, and sheriff, in certain suits ordered to be brought by the State, two hundred and thirteen dollars eighty cents.

III. *And be it further enacted* by the authority aforesaid, That the amount of tax paid by John Gale, in the year eighteen hundred and twenty-two, over and above his lawful taxes, be refunded to him by the comptroller-general. Refund to John Gale.

That the amount of taxes paid by William S. Skinner, guardian of Thomas Campbell, a lunatic, for the year eighteen hundred and twenty, over and above the lawful taxes of the estate of said Thomas Campbell, for that year, be refunded to him by the comptroller-general.

A. D. 1824.

That the amount paid by Thomas Lockwood, for his taxes for the year eighteen hundred and twenty-three, over and above his lawful taxes for that year, be refunded to him by the comptroller-general.

To Evans & Yeldell, all the amount of tax received from them on account of stock in trade, over and above the tax due and payable on a stock of three hundred dollars value.

That the sum of sixty dollars be appropriated and paid to James L. Verner, for his travelling expenses and attendance as a witness in behalf of the State, from Alabama to Union court.

For the first section of the Rocky Mount Canal, twenty thousand dollars.

For the lower section of the Wateree Canal, thirty thousand dollars.

For the Saluda river and fish sluice, two thousand five hundred and forty-two dollars and five cents.

For the Landsford canal, three thousand dollars, if so much be necessary.

For the Catawba canal, one thousand seven hundred and eighty dollars.

For the Columbia canal, seven hundred and forty-four dollars and seventy-five cents.

For the representative of William M'Kenzie, three thousand seven hundred and two dollars and twenty-two cents.

For the Great Pee Dee river, eleven thousand and fifty dollars.

For the State road, between Goose creek and Providence swamp, seven thousand two hundred dollars.

For the State road, between Deas's avenue and the six mile house, seven thousand dollars.

For repairing and altering the entrance of the Saluda canal into Broad river, five hundred dollars.

For constructing three sluices on Broad river, five hundred dollars.

To Wheaton Merritt, two hundred dollars.

To Charles Sotherlin, thirty dollars.

For the salary of a Superintendent and two assistants, five thousand five hundred dollars.

For contingencies, in respect to the public works, three thousand dollars, if so much be necessary.

Bond of A.
Blanding to be
cancelled.

IV. *And be it further enacted*, That the comptroller-general be, and he is hereby, authorized and directed to cancel the bond of Abram Blanding, Superintendent of public works, for the year eighteen hundred and twenty-three.

For the Quartermaster-general, in conformity with the resolution of the Legislature at its present session, five hundred dollars.

For the interest on the draft of seven thousand five hundred dollars, drawn on the Comptroller in favor of the contractor for Wall's cut, and remaining unpaid, five hundred and twenty-five dollars, if so much be necessary.

Bond of E. R.
M'Iver to be
cancelled.

V. *And be it further enacted*, That the comptroller-general be, and he is hereby, authorized to cancel the bond of Evander R. M'Iver, Superintendent of public buildings, for the year eighteen hundred and twenty-three, as soon as the said Evander R. M'Iver shall come to a final settlement to the satisfaction of the Comptroller.

For the insurance of the College buildings against fire, under the direction of the Comptroller-general, four hundred and forty-one dollars.

No contract to
exceed the
appropriation.

VI. *And be it further enacted* by the authority aforesaid, That hereafter, no superintendent of public works, commissioners of public buildings, or other commissioners or agents of the State, shall enter into or make any contract for the performance of any work or service authorized by the Legislature, by which to bind the State for the payment of any

greater sum of money than such sum as may be appropriated by the same for the specific purpose for which such contract is made: And that if any such contract shall hereafter be made, the same is hereby declared null and void; and the superintendant or commissioners so making such contract, shall, (as the case may be) be liable to answer to the party with whom such contract is made, for any damages sustained by reason thereof.

A. D. 1824.

VII. *And be it further enacted* by the authority aforesaid, That no appropriation placed under the direction of the commissioners, at this time or hereafter, shall be drawn from the treasury until the contract entered into by the commissioners in virtue thereof shall have been lodged in the treasury office, at which such appropriation is payable.

Contracts to be lodged in the treasury office.

VIII. *And be it further enacted*, That the commissioners shall hereafter be authorized to draw one third of the appropriation placed under their direction, in advance—one third when the contract is half finished, and the balance when the work is completed and received by the commissioners.

Appropriations how to be drawn.

IX. *And be it further enacted*, That in no case shall commissioners be allowed to draw upon any contract which is not intended to carry into complete execution all the objects for which the appropriation shall be made by the Legislature, and which objects shall be embraced by the terms of the contract.

Contract to embrace all the objects intended by the appropriation.

X. *And be it further enacted*, That the sum of four thousand four hundred dollars be, and the same is hereby, appropriated for the payment of the heirs of Captain Benjamin Tutt, as agreed to by this Legislature; which payment shall be made to the heirs of the said Capt. Benjamin Tutt.

Appropriation for the heirs of Capt. B. Tutt.

To Robert Leckie, two thousand seven hundred and forty-eight dollars and sixty-five cents.

For repairs on the College buildings and Steward's house, two thousand five hundred dollars, subject to the draft of the superintendant of public works.

For Willis W. Allsbrook, fourteen hundred and twenty-one dollars and twenty-one cents.

For Michael O'Brien, the sum of seventy-five dollars eighty-four cents, being an amount of double tax ordered to be refunded.

XI. *And be it further enacted* by the authority aforesaid, That the treasurer of the lower division is hereby authorized and required to pay to the commissioners of free schools for Marion district, the money due them for the year eighteen hundred and twenty three, when called on by said commissioners.

Treasurer to pay the commissioners of free schools for Marion district.

XII. *And be it further enacted* by the authority aforesaid, That the treasurer of the lower division be, and he is hereby, authorized and required to pay to the commissioners of free schools for the parish of St. James, Goose creek, the money due them for the years eighteen hundred and twenty-three and twenty-four.

Also those for St. James, Goose creek.

XIII. *And be it further enacted*, That the sum of two hundred dollars be appropriated to Jonathan Jowers and Hiel S. Redfield, for apprehending Allen Pace, who has been convicted of the murder of Marvel Halbert; and the sum of one hundred and fifty dollars to William W. Simpson, for his services rendered to the State in re-taking certain prisoners who had broken and escaped from the gaol of Laurens district; and the sum of two hundred and forty-four dollars and eighty-eight cents, to John Hollingshed, for two negroes who were executed.

XIV. *And be it further enacted* by the authority aforesaid, That the sum of one hundred and twenty-two dollars and forty-four cents be, and

A. D. 1824. the same is hereby, appropriated to the benefit of Ellis Palmer, for a negro executed.

XV. *And be it further enacted* by the authority aforesaid, That the sum of one hundred and fifty dollars be, and is hereby, allowed to Wm. Goss, for the use of his house, for the purpose of holding court for Union district, during the last term.

XVI. *And be it enacted* by the authority aforesaid, That the sum of one hundred dollars, if so much be necessary, be, and the same is hereby, appropriated for the making of a stair case and repairing the doors, gates, and brick work of the magazine and arsenal in the town of Columbia.

For George Gross, ten dollars and fifty cents, for supplies furnished a guard; agreed to by both branches of the Legislature at its last session, but no provision being made in the appropriation bill for the same.

For Elam Sharp, for repairs done on the gaol of Pendleton district, four dollars.

For Jeremiah Winters, for repairs done on the court-house of Pendleton district, five dollars.

For Andrew Giles, for work done on the gaol at York court-house, and for materials found, under a contract with the commissioners, not heretofore provided for, nine hundred and eighty-eight dollars and thirty-nine cents, with interest thereon from the first day of December, eighteen hundred and twenty-two, at which time the contract was completed and the money became due.

XVII. *And be it further enacted*, That the sum of twenty-five dollars, granted by the Legislature to Simpson Foster, Esq., late commissioner in equity for Spartanburgh district, to procure a seal of office, be, and the same is hereby, appropriated for William Trimmier, present commissioner, for the purpose aforesaid—the money never having been drawn by the said Foster.

For Thomas B. Hoover, for work done on York court-house, and materials found, under his contract with the superintendant of public buildings, not heretofore provided for, three hundred and thirteen dollars.

For William Turner, for extra work done on Chester court-house, four hundred and thirty-two dollars.

For Robert Leckie, for work done on York court-house, under his contract with the superintendant of public buildings, not heretofore provided for, one thousand and thirty-six dollars and eight cents.

For Eugene Brannon, for transcribing manuscript grants in the Secretary of State's office, as recommended by the commissioners appointed to superintend the same, four hundred and ninety dollars, if so much be necessary.

XVIII. *And be it further enacted*, That the sum of five hundred dollars be appropriated for a survey of Savannah and Tugalo rivers, under a convention between this State and the State of Georgia.

For an iron railing for the steps of York court-house, three hundred dollars.

For repairs of the State House fence, expended under the direction of the comptroller-general, two hundred dollars.

For John Romanstine, for a negro executed, one hundred and twenty-two dollars forty-four cents.

For repairing the court-house in Abbeville, one hundred and fifty dollars; to be drawn and expended under the directions of the commissioners of public buildings of said district.

For Dr. William Norris, for the examination and dissection of two children, supposed to have been murdered, and as agreed to by both branches of the Legislature, twenty-five dollars.

For the Lunatic Asylum, in payment of work done, fourteen thousand dollars; and for carrying on the work on the Asylum, five thousand dollars, if so much be necessary.

A. D. 1834.

XIX. *And be it further enacted*, That the comptroller-general be directed to refund to Mrs. Mary Tate three fourths of a four-fold tax paid upon the property of her husband Capt. James Tate, in the year eighteen hundred and twenty-three; and that the property of the said Capt. James Tate be, and the same is hereby, exempted in future from the imposition of any other than the taxes imposed by law upon the estates of residents.

For Charlotte and Harriet Stallings, one hundred and twenty-two dollars forty-four cents, for a negro executed.

For Pond & Graham, for extra work done to Greenville court-house, by order of the commissioners and the superintendent of public buildings, eight hundred and fourteen dollars fifty cents.

For John H. Hughes and others, for guarding Edgefield gaol, three hundred and thirty-six dollars fifty cents; and for William Coursey and others, for guarding Luke Manning to and from the court of appeals in Columbia, two hundred and twenty-one dollars ten cents.

For William Briggs, for work done on the gaol of Lancaster district, twelve hundred and thirteen dollars seventy-nine cents.

For the salaries of two Tutors in the said College, each one thousand dollars.

In the Senate House, on the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and in the forty-ninth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT TO AMEND THE CHARTER OF THE CORPORATION OF THE No. 2358.
TOWN OF COLUMBIA.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Intendant and Wardens of the Town of Columbia be, and they are hereby, authorized and empowered to lay and collect a tax upon all pleasure carriages, waggons, drays and carts, belonging to the inhabitants of said town, for the use of the said corporation.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT to establish certain Roads, Bridges and Ferries. No. 2359.
(Passed December 20, 1825. See last volume.)

A. D. 1825.

- No. 2360. AN ACT TO GIVE TO THE CORONER OF EACH DISTRICT, A ROOM IN THE GAOL OF SUCH DISTRICT, FOR THE CONFINEMENT OF ALL PERSONS LEGALLY IN HIS CUSTODY.**

I. Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act the sheriff of each district shall allot and set apart to the coroner, a commodious room in the gaol, for the confinement of all persons legally within the custody of such coroner, over which he shall exercise exclusive jurisdiction and controul, any law, usage or custom to the contrary thereof, in any wise notwithstanding.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND P'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

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- No. 2361. AN ACT to amend "An Act the more effectually to prohibit free negroes and persons of color from entering into this State; and for other purposes."**

(Passed December 20, 1825. *See last volume.*)

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- No. 2362. AN ACT to give to the City Court of Charleston concurrent jurisdiction with the Court of Common Pleas, in suits on certain mercantile contracts to any amount.**

(Passed December 19, 1825. *See last volume.*)

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- No. 2363. AN ACT TO PROVIDE FOR THE PAYMENT OF GRAND AND PETIT JURORS FOR THEIR ATTENDANCE AT HORRY COURT HOUSE, OCTOBER TERM, ONE THOUSAND EIGHT HUNDRED AND TWENTY-FIVE.**

I. Be it enacted, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a certificate duly signed by the clerk of Horry district, shall alone be sufficient to entitle the grand and petit jurors, who attended at the court house of said district, at October term, one thousand eight hundred and twenty-five, to the compensation provided by law for grand

and petit jurors; no Judge of the Court of Sessions and Common Pleas having attended at said term.

A.D. 1825.

II. *And be it further enacted* by the authority aforesaid, That a certificate duly signed by the clerk of Marion district, shall also be sufficient to entitle the grand and petit jurors and constables who attended at the court house of said district, at March term, one thousand eight hundred and twenty-five, to the compensation provided by law, for grand and petit jurors and constables; no Judge of the Court of Sessions and Common Pleas having attended at said term.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT REQUIRING THE SHERIFF OF EDGEFIELD DISTRICT TO ADVERTISE HIS SALES IN ONE OR MORE OF THE PUBLIC GAZETTES OF THAT DISTRICT. No. 2364.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter, it shall be the duty of the Sheriff of Edgefield district, to advertise his sales in one or more of the public gazettes of that district.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT FOR THE RELIEF OF PATSEY GREGORY OF UNION DISTRICT. No. 2365.

WHEREAS, Hiram Coleman, late of the district aforesaid, who died intestate, was the illegitimate child of the said Patsey Gregory, and leaving neither wife nor child, his estate is liable to escheat to the State.

I. *Be it therefore enacted*, That all the estate, real and personal, of the said Hiram Coleman, be vested in the said Patsey Gregory, and her heirs forever.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

A. D. 1825.

No. 2366. AN ACT TO AMEND THE CHARTER OF THE TOWN OF CAMDEN; AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, every free white man of the age of twenty-one years, who shall be possessed of any real estate within the town of Camden, for which he shall have paid to the said town any tax for the year immediately preceding, shall be entitled to vote for Intendant and Wardens of said town, and every other officer who may be elected by the citizens thereof.

II. *And be it further enacted* by the authority aforesaid, That from and after the first day of January, one thousand eight hundred and twenty-six, the power and duty of regulating and superintending the patrol, within the limits of the town of Beaufort, be, and the same is hereby, transferred to and devolved on the Intendant and Wardens of the said town, who are hereby vested with full powers to make all such ordinances, relative to the time and manner of performing patrol duty within the limits of the said town aforesaid, as may be necessary to preserve the peace, order and safety of the inhabitants thereof.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2367. AN ACT respecting Lynch's Causeway and the Causeway Canal, in the parish of Prince George, Winyaw.

(Passed December 20, 1825. *See last volume.*)

No. 2368. AN ACT to incorporate the Charleston Water Company; and for other purposes therein.

(Passed December 16, 1825. *See last volume.*)

No. 2369. AN ACT to amend an Act entitled "An Act to revise and amend the judiciary system of this State; and for other purposes."

(Passed December 19, 1825. *See last volume.*)

A. D. 1825.

AN ACT CONCERNING HAWKERS AND PEDLARS.

No. 2370.

I. *Be it enacted*, by the honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of March next, or from and after the expiration of the time for which they may heretofore have taken licenses, no hawker or pedlar shall be required to take out a license from the treasurer, as heretofore required by law.

Treasurer not
to grant
licenses.

II. *And be it further enacted* by the authority aforesaid, That before any Hawker or Pedlar shall expose to sale, or sell, any goods, wares or merchandize, in any district in this State, such Hawker or Pedlar shall first apply to the Clerk of the Court of Common Pleas and General Sessions of such district, and pay into the hands of the said Clerk the sum of fifty dollars, to be appropriated as hereinafter directed; and the said clerk shall thereupon issue to such hawker or pedlar a license, under his hand and the seal of the said court, authorizing the said hawker or pedlar so to expose to sale, and sell, such goods, wares and merchandize, within the limits of the district wherein such license shall be granted; and the said clerk, as a compensation for his trouble in issuing such license, shall be allowed the sum of two dollars, to be paid by the person applying for such license, at the time of granting the same; and which said license shall continue of force for the term of one year, and no longer.

Licenses to be
issued by the
Clerks of
Courts.

III. *And be it further enacted* by the authority aforesaid, That such license, so granted as aforesaid, shall not be construed to authorize or permit any other person to sell, or expose to sale, any goods, wares and merchandize, except the person to whom, and in whose name, it shall have been issued; that it shall not be lawful to transfer such license by assignment, indorsement, delivery or otherwise, so as to enable any other person to use it for such purpose; and that the person to whom it shall be granted shall be permitted, by virtue of, and under such license, to use and employ one cart, waggon or other carriage, for the transportation of such goods, wares and merchandize, so to be sold or exposed to sale, as aforesaid, and no more. But if any hawker or pedlar shall desire to employ any agent or agents, and one or more carts, waggons or other carriages, for the purpose of peddling, he shall obtain from the Clerk of the Court of Common Pleas and General Sessions as aforesaid, a separate license for each agent so to be employed, and for each cart, waggon, or other carriage so to be used, in the same manner and on the same terms as are herein before directed, in relation to the license granted to such hawker or pedlar himself.

Licenses not to
be transferred.

Separate
license for each
agent and each
cart.

IV. *And be it further enacted* by the authority aforesaid, That no license granted as aforesaid shall be construed to authorize or permit any pedlar to sell, or expose to sale, any goods, wares or merchandize, beyond or without the limits of the district in which it shall have been issued and granted, the name of which the clerk is hereby required to insert in such license.

To be confined
to one district.

V. *And be it further enacted* by the authority aforesaid, That all the monies arising from the provisions of this Act, the clerk's fees excepted, shall be, and they are hereby, appropriated for opening and repairing high roads, and erecting and repairing bridges and causeways, in the several districts wherein such monies shall be received; and the several clerks aforesaid are hereby required annually, on the first day of January, to pay over to the commissioners of roads in their several and respective

Money arising
therefrom, how
to be applied.

A. D. 1825.

Penalty for
violating this
Act.Repealing
clause.

districts, all such sums of money as they shall have received during the year preceding.

VI. *And be it further enacted* by the authority aforesaid, That if any hawker or pedlar, after the first day of March next, shall sell, or expose to sale, any goods, wares or merchandize, in any district in this State, without having obtained a lawful license for that purpose, according to the provisions of this Act, such hawker or pedlar, on conviction thereof by indictment, shall forfeit and pay the sum of five hundred dollars.

VII. *And be it further enacted* by the authority aforesaid, That all Acts, and parts of Acts, repugnant to this Act, shall be, and the same are hereby, repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2371. AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH A COLLEGE AT COLUMBIA."

Who shall con-
stitute the
Board of trust-
tees.

Quorum.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the Board of Trustees of the South Carolina College shall consist of the Governor and Lieutenant Governor of the State, the President of the Senate, the Speaker of the House of Representatives, the Judges of the Court of Appeals, the Circuit Judges of the Court of Law, and the Chancellors, ex officio, together with twenty other persons, to be elected by joint ballot of the Senate and House of Representatives, to continue in office four years, and until others shall be elected.

II. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, nine members shall constitute a quorum of the Board of Trustees, sufficient for the transaction of any business relative to the said College, except it be the appointment of an officer in the same, which shall be done only at the annual meeting, and when a majority of said Board are present.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2372. AN ACT to reduce all the Acts and clauses of Acts of the General Assembly of this State, relating to the powers and duties of the Commissioners of the Roads, into one Act.

(Passed December 20, 1825. See last volume.)

A. D. 1825.

AN ACT CONCERNING THE CANALS OF THIS STATE; AND FOR OTHER PURPOSES. No. 2373.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the superintendent of public works be authorized to convey to William Edward Hayne so much of the streets in the town of Columbia as are included in the following limits, viz: beginning at the Congaree river, at the centre of Tobacco street, running up the centre thereof to the East side of Huger street, thence along the said east side to the North side of Blossom street, thence on the said North side to the East side of Williams's street, thence along the said East side to the South side of Green street, thence along the said South side to the Congaree river, and thence down the said river to the beginning corner; excepting therefrom all the land contained between two lines running parallel to the centre of the Columbia Canal, at the distance of thirty-three feet therefrom; when and so soon as the said William Edward Hayne shall have conveyed to the State so much of the land contained within the above described limits, as is covered by the said canal and tow paths thereof, extending thirty-three feet from the centre of the said canal; and the said superintendent, in the conveyance which he shall make to the said William Edward Hayne, shall insert a clause, whereby it shall be stipulated that the said William Edward Hayne, his heirs and assigns, shall be permitted to take from the said canal so much water as shall be sufficient to supply the uses of his Brick Yards, on his said lands between Blossom and Green streets, and for no other uses; *provided*, that the quantity of water shall not be more than will pass through two pipes of one inch diameter each, and that at no time more than two pipes shall be inserted: *and provided also*, that the pipes so inserted shall be of metal, and shall be so perfectly secured that no injury shall result to the canal.

II. *And be it further enacted* by the authority aforesaid, That the superintendent of public works be authorized to convey to Jacob J. Faust and Manoel Antonio, thirty feet of the West side of Gist street in the town of Columbia, extending from Senate street to the tow path of the canal; and so much of Pendleton street as lies between the road hereinafter mentioned and the Congaree river; and so much of Gist street as lies between the said road and the branch which passes between Pendleton and Medium streets—whenever the said Jacob J. Faust and Manoel Antonio shall convey to the State of South Carolina such parts of the two squares owned by them, the one lying between Senate, Gist and Pendleton streets, and the Congaree river, and the other between Pendleton, Williams's, Medium and Gist streets, as are covered by the Columbia canal and tow paths thereof, extending thirty-three feet from the centre of the said canal; and also such parts of the said two squares as are covered by a road twenty-five feet wide, running on the West side of the said canal, from Senate street to the Brick Yard lately owned by Colonel Levy.

III. And whereas, contracts and Acts have been made or passed, and hereafter may be made or passed, by which individuals have been or may be permitted to use water from the several canals now constructed, or hereafter to be constructed, in this State; and whereas, it is necessary to guard the public interest against any improper use of the said water beyond the stipulations contained in the said contracts or Acts, by giving summary redress of such improper use: *Be it therefore enacted* by the authority

Streets to be
conveyed to
W. E. Hayne.

Also to J. J.
Faust and M.
Antonio.

Water of the
canals, how to
be used.

A. D. 1825.

aforesaid, That if any person or persons who now have, or hereafter may have, permission to use, for any purpose whatever, any water from any of the said canals, their agent or agents, servant or servants, shall, in any particular, use the said water in any manner different from that stipulated in the contract or Act by which such permission may be given, or shall in any particular violate the stipulation or stipulations of such contract or Act, the person so offending shall be held and taken to be guilty of a public nuisance, and may be punished as such, in any court of competent jurisdiction.

Penalty for
violating con-
tracts.

IV. *And be it further enacted*, That whenever any such improper use of water from any of the said canals, or any such violation of contract or Act in relation thereto shall take place, the person or persons having charge for the time being, of the canal where the same shall take place, shall be, and hereby is, authorized and required immediately to take all such measures as may be necessary to stop the entire use of the said water, until such improper use thereof shall be suspended, and until all the stipulations in the said contract or Act are complied with; and for this purpose it shall be lawful for the person or persons so having charge of the canal, with a competent force to enter the premises where the said water is permitted to be used, and to execute such measures, and do and perform such acts, as may be necessary to stop the entire use of the water, in manner aforesaid.

Who may not
act as commis-
sioner.

V. *And be it further enacted* by the authority aforesaid, That no person shall be qualified to act as a commissioner of any canal who has permission to use water therefrom, and his appointment as such shall be void.

Navigation not
to be obstruc-
ted.

VI. *And be it further enacted* by the authority aforesaid, That from and after the passing of this Act, no person shall erect any mill dam or other obstruction across any stream used for the purpose of navigation by boats, flats, or rafts of lumber or timber, without sufficient locks or slopes or canals, in or around such mill dams or other obstructions, to admit the free navigation of such streams; and if any person shall violate the true intent and meaning of this Act, such person shall be guilty of a nuisance, and such obstructions may be abated as other public nuisances are by the laws of this State.

Title of N.
Herbemont
confirmed.

VII. Whereas, by a resolution of the House of Representatives, dated the tenth of December, one thousand eight hundred and twenty three, and concurred in by the Senate, December the nineteenth, one thousand eight hundred and twenty-three, the superintendant of public works was instructed to offer to Nicholas Herbemont a conveyance of lots, Numbers one and two, and the choice of lots, Numbers three and nine, and that he be instructed to require in exchange for such conveyance a public right of way to Daniel's mill, and land sufficient to complete a tow path in front of lots belonging to the said Nicholas Herbemont; and whereas, the said Nicholas Herbemont has made choice of lot Number nine, and the superintendant has given to the said Nicholas Herbemont the conveyance, and received from him in exchange the conveyance as directed by the said resolution: *Be it therefore enacted*, by the authority aforesaid, That the title made by the said superintendant to the said Nicholas Herbemont, be, and the same is hereby, confirmed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

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AN ACT TO VEST IN STEPHEN MOSS THE ESTATE OF ELIZABETH FISHER, DECEASED, AN ALIEN. No. 2374.

WHEREAS, Stephen Moss, by his petition, has represented to the Legislature of this State that he has an equitable claim to the estate of Elizabeth Fisher, an alien, who died intestate and without issue :

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the estate of which Elizabeth Fisher, deceased, died seized and possessed, be, and the same is hereby, vested in Stephen Moss; and the said Stephen Moss be, and he is hereby, exempted from all liability to pay the amount of the said estate, in his hands as administrator of the said Elizabeth, to the Orangeburgh Academical Society: *Provided*, the said Stephen Moss pay all the costs which may have accrued on the suit in equity brought against him by the said Orangeburgh Academical Society for the recovery of the said estate.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT TO ENABLE ANN RICHARDSON TO BRING BACK INTO THIS STATE A CERTAIN FEMALE SLAVE. No. 2375.

IT appearing to the Legislature, that the peculiar circumstances of this case make it an exception to the statute for prohibiting the entry of persons of colour into this State :

I. *Be it enacted*, That the petitioner, Ann Richardson, be permitted to bring back into this State a female slave named Hester, who went out of it in July, one thousand eight hundred and twenty three.


In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT to declare the assent of this State to a Convention between this State and the State of Georgia, for the purpose of improving the navigation of Savannah and Tugaloo rivers. No. 2376.

(Passed December 20, 1825. See vol. 1, p. 422.)

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No. 2377. AN ACT to establish a Court of Equity for Marion District.
(Passed December 20, 1825. *See last volume.*)

No. 2378. AN ACT TO INCREASE THE SECURITY TO BE GIVEN BY THE SHERIFF
OF RICHLAND DISTRICT, HEREAFTER ELECTED.

1. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That every person hereafter elected to the office of sheriff of Richland district, shall give bond, with securities, for the due and faithful performance of the duties of his office, in the sum of twenty thousand dollars, instead of the sum now required by law.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND P'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2379. AN ACT to incorporate certain Societies.
(Passed December 20, 1825. *See last volume.*)

No. 2380. AN ACT TO DEFINE THE LIMITS AND CONFIRM THE TITLE OF A CERTAIN LOT IN THE TOWN OF GEORGETOWN, SOLD UNDER DIRECTION OF THE STATE, TO THE MASTER, WARDENS, AND MEMBERS OF THE WINTAW LODGE, No. 40, ANCIENT FREE MASONS OF SOUTH CAROLINA.

1. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sale of the lot in the town of Georgetown, whereon the old court-house stood, made by the commissioners therein named, under a resolution of the Legislature, passed on the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, to the master, wardens and members of the Winyaw Lodge, No. 40, of Ancient Free Masons of South Carolina, be, and the same is hereby, confirmed; and that all the right, title, interest and claim of the State, in and over the same, having the limits and boundaries herein set

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forth, to wit: one hundred and eight feet eleven and a half inches in front, on Broad-street, extending back two hundred feet from said street, known as parts of lots numbers 155 and 156, bounding south-east on Broad-street, south-west by lots numbers 131 and 132, north-west by lot number 154, and north-east by the remaining moiety of the aforesaid lots numbers 155 and 156, be, and the same is hereby, conveyed and declared to be vested in the said master, wardens and members, their successors or assigns forever.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT TO INCREASE THE NUMBER OF JUSTICES OF THE PEACE AND No. 2381.
OF THE QUORUM IN THE DISTRICT OF FAIRFIELD.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That there shall be appointed six Justices of the Peace and two Justices of the Quorum for the district of Fairfield, in addition to the number now allowed by law.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT TO REDUCE THE PENALTY OF THE BONDS TO BE GIVEN BY No. 2382.
THE ESCHATORS FOR SPARTANBURGH AND UNION DISTRICTS.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Escheators who now are or hereafter may be appointed for the districts of Spartanburgh and Union, shall give bond and security for the performance of their duty, in the penal sum of three thousand dollars each, and no more; any law to the contrary notwithstanding: *Provided*, they give bond and security in all other respects as by law Escheators are now bound to do.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

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No. 2383. AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY-SIX.

Tax to be raised on lands, negroes, &c. to be paid in notes of the incorporated Banks of this State, &c.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, for the use and service thereof; that is to say, Thirty-seven and a half cents ad valorem on every hundred dollars, of the value of all lands granted in this State; the sum of seventy-five cents per head on all slaves of every description; and the sum of two dollars on all free negroes, mulattoes, and mestizoes, (except such as shall be clearly proved to the satisfaction of the collectors to be incapable, from maims or otherwise, of providing a livelihood,) between the ages of fifteen and fifty; and thirty-seven and a half cents ad valorem on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough; and seventy-five cents per hundred dollars, on factorage employment, faculties and professions, and on the amount of commissions received by vendue-masters and commission merchants, (clergymen, schoolmasters, schoolmistresses and mechanics excepted,) to be ascertained and rated by the assessors and collectors throughout this State, according to the best of their knowledge and information; to be paid in specie, paper medium, or the notes of the banks of this State.

Absentees to pay three fold.

II. *And be it further enacted* by the authority aforesaid, That any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay, for the use of the State, a three fold tax on the same; but this clause shall not be construed to extend to any person sent, or hereafter to be sent, abroad in the service of this State, or the United States, until one year after the expiration of his commission.

Tax on plays and shows.

III. *And be it further enacted* by the authority aforesaid, That all persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, and those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of twenty dollars per day, where they make their exhibitions; which sums shall be paid into the hands of the clerks of the court respectively, who shall be bound to pay the same over into the public treasury annually; and in case of non-payment on demand, the clerk of the court, or any justice of the peace or quorum, is hereby authorized and required to issue an execution, directed to any sheriff or constable of the district, against the body or goods of the person or persons liable to pay the said tax; provided, that nothing herein contained shall be construed to extend to any incorporated town or city.

Tax on stock in trade.

IV. *And be it further enacted* by the authority aforesaid, That seventy-five cents shall be levied on every hundred dollars worth of goods, wares and merchandize, embracing all articles of trade for sale, barter or exchange, (the products of the State, and the unmanufactured products of any of the United States, excepted,) which any person shall employ or use as articles of trade, or for sale, barter or exchange, and have in his, her or their possession, on the first day of January, in the year one thousand eight hundred and twenty-six, either on his, her or their own account, or purchased by his, her or their capital, or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; to be

assessed by the assessors and collectors throughout this State, according to the best of their knowledge and information; and that every person or persons making a return of such goods, wares or merchandize, to a tax collector, shall take the following oath or affirmation; "I, A. B. do solemnly swear, (or affirm) that the return which I now make, is, to the best of my knowledge and belief, a just and true return of the amount or value of all the goods, wares and merchandize, (the products of this State, or the unmanufactured products of any of the United States, excepted,) which I held in my possession on the first day of January, one thousand eight hundred and twenty-six, for sale, barter or exchange, either on my own account, or upon borrowed capital, or on account of others, as agent, attorney or consignee. So help me God."

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V. *And be it further enacted* by the authority aforesaid, That the treasurer of the lower division be, and he is hereby, authorized and empowered to call in one fourth part of the principal, with all the interest, due on the bonds to the paper medium loan office, giving due notice thereof.

Paper medium
debt called in.

VI. *And be it further enacted* by the authority aforesaid, That if any tax collector shall refuse or neglect to make his return, and pay the taxes, within the time prescribed by law, which had been received by him, it shall be the duty of the treasurer, within whose division such default shall be made, in addition to the coercive powers which they now possess, to charge the said collector with the interest, at the rate of five per cent per month, from the time he ought to have made such return and paid the taxes, to the time of such settlement.

Defaulting col-
lectors to pay
5 per cent a
month.

VII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of such collector to proceed to collect, from such persons as selling as aforesaid, the tax required by law to be paid on stock in trade, within five days after receiving such return; and in default of receiving such return, to prosecute the offender or offenders.

Tax on stock
in trade.

VIII. *And be it further enacted* by the authority aforesaid, That it shall be the duty of every taxable inhabitant of this State, who shall, since his last return, and prior to the first day of October last, have sold any personal or real property liable to tax, (except stock in trade) to give information, at the time of making his next return, of such sale, and the name of the person to whom sold, to the tax collector of the district in which he may reside, to the end that the said tax collector may be better enabled to collect the public dues.

Information to
be given of
property sold.

IX. *And be it further enacted* by the authority aforesaid, That after the passing of this Act, no person shall open or keep any office for the sale of lottery tickets, in any other lotteries than such as are or may be authorized by the laws of this State, unless such person shall first have paid to the tax collector of the parish or district, a tax of one thousand dollars for such privilege; and if any person shall open or keep any office for the sale of lottery tickets, or shall sell, or offer for sale, any lottery tickets, without having paid the said tax, such person shall, on conviction thereof by indictment, forfeit and pay the sum of two thousand dollars; and it shall be the duty of the tax collector of the district or parish in which such office is kept, or in which such lottery tickets may be sold, or offered for sale, to prosecute all persons who shall offend against the provisions of this Act.

Tax on persons
who sell
Lottery tickets.

X. *And be it further enacted* by the authority aforesaid, That the Phoenix Insurance Company be, and they are hereby, authorized and permitted to underwrite any policies of insurance, of any kind whatsoever, and of any value, as fully and as completely as they were permitted to do anterior to the Act for the year one thousand eight hundred

Phoenix Insur-
ance Company
allowed to un-
derwrite.

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and fourteen; *provided*, the said company pay into the treasury of this State, four thousand dollars.

Tax on premiums of insurance on foreign capital.

XI. *And be it further enacted* by the authority aforesaid, That a tax of ten per cent, on the amount of all premiums arising from any insurance, or contracts for insurance, against losses by fire, effected in this State, with the agents of any individual, or associations of individuals, whose property or capital stock is out of the limits of this State, and not subject to its taxation; and all persons acting as agents for the aforesaid purpose, who may refuse or neglect to make a return of the amount of premiums received by him or them, shall be double taxed.

Salaries, &c. how to be paid.

XII. *And be it further enacted* by the authority aforesaid, That the treasurer of each division be, and he is hereby, authorized and required to pay all appropriations, made for and on account of any officer of this State, or other appropriation, within his division; except the officers of each branch of the legislature, who shall be paid by the treasurer of the upper division, at the end of the session of the legislature; and except the pay bills of the members of the legislature, which shall be paid on presentment at either of the treasuries; and it shall be the duty of either of the treasurers, whenever he shall make any payment, to take a duplicate receipt, and forward the same to the comptroller-general, with his monthly report.

Office of Assessor in Charleston re-established.

XIII. *And be it further enacted* by the authority aforesaid, That the office of Assessor of Saint Phillip's and Saint Michael's, be, and the same is hereby, re-established.

Security to be given by the escheator of Pendleton.

XIV. *And be it further enacted* by the authority aforesaid, That the Escheator who may hereafter be appointed for the district of Pendleton, shall give bond and security for the performance of his duty, in the sum of two thousand dollars, and no more; any law to the contrary notwithstanding; provided, he shall give bond and security in all other respects as by law Escheators are bound now to do.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2384. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY-FIVE; AND FOR OTHER PURPOSES.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the salaries of the public officers of this State, and for other purposes, viz:—

For the salary of the Governor, three thousand five hundred dollars.

For the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of three Judges of the Court of Appeals, each three thousand five hundred dollars.

For the salaries of six Judges of the court of Common Pleas and Sessions, each three thousand five hundred dollars.

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For the salary of one judge of the court of common pleas, two thousand five hundred and seventy-two dollars.

For the salary of two Chancellors, each three thousand five hundred dollars.

For the salary of the Attorney-General, twelve hundred dollars.

For the salaries of five Circuit Solicitors, in lieu of all charges against the State, for the performance of every duty of their office, each seven hundred dollars.

For the salary of the Comptroller-general, two thousand five hundred dollars.

For stationary for the office of Comptroller-general, one hundred dollars, if so much be necessary.

For the salary of a clerk to the Comptroller-general, one thousand dollars; which clerk shall be appointed by and be removable at the pleasure of the Comptroller-general.

For the salary of the Treasurer in Charleston, and for transacting the business of the loan office, five and six per cent. stock of the State, and for clerks, three thousand dollars.

For the Treasurer in Columbia, including clerks, two thousand dollars.

For the salaries of the Clerks of the Senate and House of Representatives, each twelve hundred and thirty dollars, to be paid at the adjournment of the Legislature.

For a contingent fund, subject to the draft of the Governor, for the expenditure of which he shall submit an account annually to the Legislature, six thousand dollars.

For the Transient Poor of the city of Charleston, payable to the city Council, twelve thousand dollars.

For the expenses of the Members of the Legislature, during the present session, and for the pay of the Solicitors for their attendance during the same, eighteen thousand dollars, if so much be necessary.

For two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature.

For the rent of the Governor's house in Columbia, five hundred dollars.

For the contingent accounts of the lower division, fourteen thousand dollars, if so much be necessary.

For the contingent accounts of the upper division, twelve thousand dollars, if so much be necessary.

For the support of the transient poor of Georgetown, to be expended by the commissioners of the poor of Prince George Winyaw, eight hundred dollars: And the said commissioners shall publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sums paid to and for each of them; and return, upon oath, an account of their expenditures, annually, to the comptroller-general, to be by him submitted to the Legislature.

For the salary of the President of the South Carolina College, three thousand dollars.

For the salaries of the Professor of Metaphysics and Moral Philosophy, and the Evidences of Christianity, of the Professor of Mathematics, of the Professor of the Elements of Criticism, Logic and the Philosophy of Languages, and of the Professor of Languages, each two thousand dollars.

For the salary of the Professor of Geology and Mineralogy, one thousand dollars; and five hundred dollars for making a Geological and Mineralogical tour and survey, and furnishing specimens of the same.

For the salaries of two Tutors of the South Carolina College, each one thousand dollars.

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For the commons and other incidental expenses of one student in the College, from the Orphan House in Charleston, during the ensuing year, two hundred and sixty dollars; to be paid to the Cashier of the Branch of the Bank of the State of South Carolina, in Columbia, for the use of the said student.

For the pay of a magazine guard, near Charleston, to consist of an officer, a sergeant and twelve privates, four thousand dollars, to be paid by and under the direction of the comptroller-general.

For the salary of the Librarian of the Legislature, one hundred dollars.

For the salary of the Librarian of the South Carolina College, four hundred dollars.

For pensions agreed to by the Legislature, sixteen thousand dollars, if so much be necessary.

For the pay of the Clerk of the Court of Common Pleas of Richland district, for attending the Court of Appeals in Columbia, one hundred and fifty dollars.

For the pay of the Sheriff of Richland district, for attending the Court of Appeals in Columbia, and for fuel and candles, one hundred and fifty dollars, to be paid on his presenting a certificate from the Judges that he has discharged his duty and furnished the fuel and candles required by this clause.

For the pay of the Clerk of the Court of Common Pleas in Charleston, for attending the Court of Appeals in Charleston, one hundred and fifty dollars.

For the pay of the Sheriff of Charleston district, for attending the Court of Appeals in Charleston, and for furnishing fuel and candles, one hundred and fifty dollars, to be paid upon his presenting a certificate from the Judges, that he has discharged his duty, and furnished the fuel and candles required in this clause.

For the pay of the keeper of the State House in Columbia, one hundred and thirty dollars.

For the pay of the Arsenal keeper in Charleston, six hundred dollars.

For the salary of the Port Physician in Charleston, including boat hire and other expenses incidental to his office, one thousand dollars.

For the pay of the arsenal keeper and powder receiver in Camden, three hundred dollars.

For the arsenal keeper in Abbeville, one hundred and fifty dollars.

For the arsenal keeper and powder receiver in Beaufort, two hundred and fifty dollars.

For annuities, nine thousand dollars, if so much be necessary.

For the salary of the Adjutant and Inspector General, two thousand dollars.

For the pay of the magazine guard of Camden, to consist of an officer, sergeant, and twelve privates, two thousand four hundred dollars, to be paid under the direction of the Comptroller-general,

For Daniel and John M. Faust, for printing the Acts and Resolutions of the Legislature, the resolutions for the general election, and the Journals of the Senate, fifteen hundred dollars: *Provided*, the Acts and Resolutions be lodged in the office of the Secretary of State, in Columbia, on or before the fifteenth day of February, after each session of the Legislature, or four weeks after every extra session, otherwise only thirteen hundred dollars.

For Black & Sweeny, for printing the Journals of the House of Representatives, one thousand and fifty dollars.

For the pay of the Physician of the magazine guard and gaol of Charleston, for the year eighteen hundred and twenty-five, five hundred dollars.

For the support of the transient poor of the town of Beaufort, payable to the town council, two hundred dollars : And the said council shall make an annual return of their expenditures to the Comptroller-general, to be by him submitted to the Legislature.

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For the salary of the State Reporter, one thousand dollars.

For the support of free schools, thirty-seven thousand dollars ; And the commissioners of free schools, in each district and parish, shall be authorized to draw for unexpended balances of appropriations heretofore made for free schools in such district or parish, to be drawn in the manner prescribed by the Act to raise supplies for the year one thousand eight hundred and twenty-three.

For the salary of the Superintendent of Public Works, and one or more assistants, five thousand five hundred dollars ; and that the Comptroller-general be authorized to cancel the bond of the Superintendent for one thousand eight hundred and twenty-four.

II. *And be it further enacted*, That the Superintendent of Public Works be authorized to place all the canals of the State under the direction of one of his assistants, who shall be vested with all the powers of the several boards of canal commissioners ; and that such boards be, and they are hereby, abolished.

Canals to be under the direction of one of the Superintendent's assistants.

For contingencies, in respect to the public works, three thousand dollars, if so much be necessary.

For Dr. Aaron Lopez, for medical attendance on prisoners in Georgetown jail, forty-five dollars eighty-four and a half cents.

For Doctors Scott & Witherspoon, four dollars and fifty cents.

For William Speer, for a negro executed, one hundred and twenty-two dollars forty-five cents.

For John Cameron, for a negro executed, one hundred and twenty-two dollars forty-four cents.

For Alexander Calhoun, for a negro executed, one hundred and twenty dollars.

For Jeremiah Forester, for a negro executed, one hundred and twenty-two dollars forty-four cents.

For Dr. William Anderson, in payment of his medical account, forty-nine dollars.

For Samuel Cannon, for services rendered the State, forty-one dollars twenty cents.

For Abraham Perry, late sheriff of Lancaster district, seventy-eight dollars fifty cents.

For Robert Heriott, in full of all demands against the State for public printing, eighty-eight dollars twenty-four cents.

For Heriot & Waterman, in full of all demands against the State for public printing, one hundred and sixty-two dollars twenty-eight cents.

For Dr. E. Hammond, in payment of his medical account, thirty-six dollars fifty cents.

For William Cowan, for services rendered during the late war, nineteen dollars.

For A. C. Hamilton, in payment of money expended by him for the State, forty-nine dollars fourteen cents.

For John Christie, for repairing a piece of ordnance, eleven dollars and fifty cents.

For A. L. Loomis, for mounting a field-piece for the Washington Artillery, thirty-eight dollars.

III. *And be it further enacted*, That one half of the tax paid by S. Davenport & Co., in the year 1823, be refunded to them by the Comptroller-general.

Tax refunded to S. Davenport & Co.

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For F. Watson, for a room furnished for the accommodation of the Court of Equity of Darlington district, ninety dollars.

For Robert Hackett, for a negro executed, one hundred and twenty-two dollars.

For John N. Martin, in payment of the amount expended by him in supporting a State criminal, twenty-seven dollars twenty-five cents.

For Jeremiah Walker, ten dollars thirty-six cents, being the amount by which he overpaid his tax.

For Archibald M'Donald, sheriff of Chesterfield district, for conveying a prisoner from Chesterfield to Columbia, seventy-three dollars fifty cents.

For N. G. Cleary, sheriff of Charleston district, for supporting prisoners in jail, one hundred and fifty dollars.

For a new court-house and jail for Orangeburgh district, eighteen thousand dollars.

For a new jail for Newberry district, seven thousand dollars.

For a new court-house for Pendleton district, ten thousand dollars.

For a new court-house for Spartanburgh district, ten thousand dollars.

For Dr. Edmund Webb, in payment of his medical account, fifty dollars.

For Thomas Holmes, for revolutionary services, one hundred and twenty dollars, as agreed to by both Houses.

For the Library of the South Carolina College, five thousand dollars; to be drawn by the President of the Board of Trustees of the College, and applied to the purchase of such books and in such manner as the said board shall direct.

For Elam Sharp, for work done on Pendleton court-house, twenty-four dollars.

Appropriations
for public
works.

IV. *And be it further enacted*, That the following sums be, and the same are hereby, appropriated, and shall be expended by the superintendent of public works, on the specific objects hereafter enumerated, viz :—

For the second and third sections of the Rocky Mount Canal, seven thousand one hundred and fifty dollars; and that the superintendent of public works be authorized to make one or more contracts for the completion of these sections: *Provided*, the contracts shall not exceed the sum of forty-seven thousand one hundred and fifty dollars.

For completing the State road from the Six Mile House to Providence Swamp, and from Mims's to Thompson's, on the Galliard road, and through Santee Swamp, twelve thousand four hundred and ninety-three dollars; and that for the objects aforesaid, the superintendent of public works be authorized to expend the sum of seven thousand dollars of the tolls to be received on the State road, in the years eighteen hundred and twenty-six and eighteen hundred and twenty-seven, if so much be necessary.

For Buckhead causey and railing to the same, in addition to the sum already paid, two thousand one hundred dollars.

For Little Pee Dee river, one thousand five hundred dollars.

For Waccamaw river, one thousand five hundred dollars.

For Lynch's creek, three thousand dollars.

For Black river, three thousand dollars.

For Saltcatcher river, seven thousand dollars.

For Saluda river, six hundred dollars.

For balance on the contract on the first section of the Rocky Mount Canal, and for extinguishing titles there, if so much be necessary, seven thousand six hundred and thirty-seven dollars and seventy cents.

For balance on contracts on the Wateree Canal, and extinguishing titles

there, twenty-eight thousand nine hundred and seventy-nine dollars and sixty-six cents.

A. D. 1825.

For Landsford Canal, balance on contracts, two thousand seven hundred and fifty-one dollars and thirty-eight cents.

For same, balance due for repairing the canal and reconstructing the guard lock, three thousand three hundred and fifty-five dollars and sixty cents.

For balance due A. Blanding on the contingent accounts, two thousand four hundred and thirty-seven dollars and eighty-four cents.

For balance due on the repairs of the Catawba Canal, nine hundred and thirty-five dollars and thirty cents.

For the improvement of the navigation of North Edisto river, to be expended under the direction of the superintendent, three thousand dollars.

V. *And be it further enacted*, That the sum of two thousand five hundred dollars be appropriated for opening Elliott's Cut. Appropriation to open Elliott's Cut.

VI. *And be it further enacted*, That the sum of six thousand dollars be appropriated for the establishment of a ferry and causey from Edisto Island to the Main; and that the superintendent of public works be directed to make contracts for the same. Appropriation for Edisto Island causey.

VII. *And be it further enacted*, That the following sums be, and they are hereby, appropriated, and shall be drawn and paid over to the following persons respectively, by the superintendent of public works, the same being due for assessments the present year, viz :— Appropriations to pay public work assessments.

To Benjamin Hart, one thousand dollars.

Eve Mathias, sixty-five dollars.

Jones Mathias, one hundred and fifty dollars.

Samuel Lephart, one hundred and twenty-five dollars.

Michael Lephart, one hundred and twenty-five dollars.

John Mathias, two hundred and fifty dollars.

Martin Hook, three hundred dollars.

Martin Hook, sen., one hundred dollars.

Joseph Airhart, twenty-five dollars.

Stephen Elliott, two thousand dollars.

For A. M'Donald, tax collector of Chesterfield district, seventeen dollars and fifty cents.

For Dr. Nathaniel Harris's medical account, fifty dollars.

For William M'Creight, for work done on the court-house and yard of Fairfield district, five hundred and twenty-six dollars thirty-one cents.

For the construction of cases for the use of the Clerk of the House of Representatives, to be applied under his directions, one hundred dollars.

For Jesse Gilbert, for a negro executed, one hundred and twenty-two dollars; one half of this sum to Jesse Gilbert the owner, and the other half to Dicey Sherley.

For repairs done to the carriage of the cannon of the Yorkville Artillery Company, agreed to by a joint resolution of both branches of the Legislature, seventy-one dollars.

For Robert G. Barber, for mounting two field pieces, sixty dollars.

For repairs to the Magazine and its walls, in Georgetown, five hundred dollars, if so much be necessary; to be drawn by the commissioners of public buildings for Winyaw.

For the commons and other incidental expenses of one student in College from the Winyaw Indigo Society School, for the ensuing year, to be paid to the Cashier of the Branch of the Bank of the State of South Carolina, at Columbia, for the use of the said student, two hundred and sixty dollars.

A. D. 1825.



For James Brown, for repairing the gates, doors and brick work of the arsenal and magazine of Camden, one hundred dollars.

For the Medical College of South Carolina, ten thousand dollars; to be drawn by and placed at the disposal of the faculty of the said College, for the completion of their buildings, and the purchase of apparatus necessary and proper for such an institution; and the said Faculty shall be, and are hereby, required to account with the Comptroller-general for the expenditure of the above sum; and the Comptroller-general is hereby required to report to the Legislature on the subject at the next session.

Bonds of J.
Cunningham
and D. Ramsay
to be cancelled.

VIII. *And be it further enacted*, That the Comptroller-general be, and he is hereby, authorized and directed to cancel the bond of John Cunningham, late treasurer of the upper division; and also the bond of David Ramsay, treasurer of the lower division.

Seventeen thousand four hundred and forty-seven dollars, for the fire proof buildings in Charleston, if so much be necessary.

To the City Council of Charleston, for sums expended in the reception and entertainment of General Lafayette, pursuant to the report agreed to by both houses, three thousand dollars.

For J. B. Bull, for money expended for repairs done to the carriage of the cannon of Pendleton Artillery Company, six dollars.

Appropriations
to pay wit-
nesses.

IX. *And be it further enacted* by the authority aforesaid, That the following sums be, and the same are hereby, appropriated for the payment of the following persons, for attending York Court as witnesses on behalf of the State, in a prosecution for horse stealing, viz:—

For Herod Cornelius, seven dollars.

For Samuel Smith, seven dollars.

For George Smith, ten dollars.

For William Haywood, seven dollars.

For George Locklier, ten dollars.

For Alexander J. Smith, seven dollars.

For Joel Wages, seven dollars.

Appropriation
to repair the
College build-
ings.

X. *And be it enacted* by the authority aforesaid, That the unexpended balance of the last appropriation for the repairs of College buildings and Steward's house, be paid into the hands of the Faculty, for the purpose of continuing the necessary repairs upon those buildings; that the Superintendent of public works be authorized to draw in their favour on the treasurer of the upper division for the same; and that one thousand dollars be now appropriated in addition to said unexpended balance, subject also to the disposal of the Faculty, or presiding officer of them, and to be accounted for at the next session of the Legislature; the whole to be expended upon the Steward's house and offices thereunto attached.

Free School
funds for St.
Peter's and St.
Paul's to be
drawn.

XI. *And be it further enacted*, That the commissioners of free schools for the parish of St. Peter's be, and they are hereby, authorized to draw the appropriation for free schools for the year 1824; and that the commissioners of free schools for St. Paul's parish are hereby authorized to draw the appropriation for free schools for the year 1825, it appearing that the commissioners of those parishes did make returns to the Legislature for those years.

Also that for
St. Peter's for
1823.

XII. *And be it further enacted*, That the commissioners of free schools for Saint Peter's be, and they are hereby, authorized to draw the appropriation for that parish for the year 1823, according to the joint resolution of 1824.

For Archibald M'Donald, sheriff of Chesterfield district, fifty-eight dollars fifty cents, it being the balance of the amount allowed him for the transportation of a prisoner to Columbia.

For West Caughman, for lumber furnished to repair Lexington gaol, twenty-two dollars. A. D. 1825.

for the Charleston Rifle Company, for bayonets and sheaths furnished to the State, three hundred dollars.

For Robert Mills, for eighty Atlases, in conformity with the report of the committee on the Map of the State, twelve hundred dollars.

For the commissioners of Lynch's Causeway, to be paid to the order of their Chairman, for payment of the persons employed by them to superintend the work on the Canal through Lynch's Island, cut by direction of the Legislature, two hundred and fifty dollars.

XIII. *And be it further enacted*, That the sum of four hundred and thirty-three dollars be appropriated for the payment of John H. Hughes and others, for guarding the Edgefield gaol. Appropriation for John H. Hughes and others.

XIV. *And be it further enacted*, That the sum of one hundred and five dollars be appropriated for the payment of the guard to the Laurens gaol, to be paid to A. Barksdale, late sheriff of Laurens district. Also for A. Barksdale.

For Campbell Humphries, as a further compensation for work done on Union court-house, the sum of six thousand dollars; one thousand dollars of which is to remain in the treasury until the said Humphries shall have put a complete set of iron railing to the steps and portico of said court-house, and furnished the jury rooms with benches and tables.

For a survey of the Savannah and Tugaloo rivers, in order to carry into effect the convention between this State and Georgia, five hundred dollars, if so much be necessary.

XV. *And be it further enacted*, That the sum of three hundred dollars be appropriated, to be paid to Joseph Baker, for services rendered during the revolutionary war. Also for Joseph Baker.

XVI. *And be it further enacted*, That the sum of two hundred and fifty dollars be appropriated, to be paid to Samuel Jenkins, for services rendered during the revolutionary war. And for S. Jenkins.

For Thomas T. Willison, for copying decrees for the State Reporter, and for a blank book, ninety dollars seventy-five cents.

For a balance due on the building of Williamsburgh court-house, as agreed to by both Houses, two thousand two hundred and twenty-one dollars ninety-two and a half cents.

XVII. *And be it further enacted* by the authority aforesaid, That the sum of one hundred dollars, if so much be necessary, be appropriated to construct and repair proper cases for the reception and safe keeping of vouchers and other papers in the office of the treasury of the upper division, to be placed at the disposal of the treasurer of the upper division, who shall account with the comptroller-general for the expenditure thereof. Appropriation for the treasury office in Columbia.

For the magazine of the State on Charleston Neck, as agreed to, seventeen thousand three hundred and eighty dollars.

For the Charleston gaol, as agreed to by both branches of the Legislature, one thousand eight hundred and forty-five dollars and fifty-six cents.

XVIII. *Be it enacted* by the authority aforesaid, That four hundred and fifty dollars be appropriated for insuring the College buildings, if so much be necessary. Appropriation to insure the College buildings.

XIX. *And be it further enacted*, That the sum of ten thousand dollars be appropriated for building a new court-house for Lancaster, agreeable to a resolution from the other House and agreed to by this House. Also to build a new court-house in Lancaster.

XX. *And be it further enacted*, That the sum of seven hundred dollars be appropriated and paid to Mrs. Perrin, on her producing to the Also for Mrs. Perrin.

A. D. 1825.



Comptroller-general satisfactory vouchers that she has manumitted her slave Royal.

For repairing the court-house in Richland, one hundred dollars.

For John Bailey, for the use of his house for the Court of Equity, thirty dollars.

Poor tax executions, how to be issued.

XXI. *And be it further enacted*, That no execution shall be issued by the Commissioners of the Poor for poor tax, without first having given notice to all those persons who may be liable to pay the same, who make their returns in any other district or parish than that in which the tax may be assessed.

Old court-house in Kershaw to be sold.

XXII. *And be it enacted* by the authority aforesaid, That the Commissioners of public buildings for Kershaw district be authorized to sell the old court-house for said district, reserving, for the use of the new court-house to be built, such part of the foundation stone, or other materials, as they may deem necessary.

For the salary of the Assessor of St. Philip's and St. Michael's, eight hundred dollars.

For building a new gaol for York district, eight thousand dollars.

For the pay of the pilots of the bars and harbours of Beaufort and Georgetown, each three hundred and twenty dollars.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-five, and in the fiftieth year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2385. AN ACT TO REQUIRE THE COMMISSIONERS APPOINTED BY AN ACT PASSED ON THE TWELFTH DAY OF APRIL, ONE THOUSAND SEVEN HUNDRED AND SIXTY-EIGHT, FOR BUILDING A CHURCH IN THE PARISH OF ST. JAMES'S SANTEE, AND TO DISPOSE OF THE GLEBE OR OTHER TRACT OF LAND IN SAID PARISH, OR THEIR SUCCESSORS, TO PAY OVER THE FUNDS REMAINING IN THEIR HANDS TO THE VESTRIES OF WAMBAW AND ECHAW CHURCHES IN THE SAID PARISH.

WHEREAS, a certain sum of money appropriated to the building and repairs of the parish churches of St. James's Santee, has not for some years past been applied to that purpose, and the said churches are in need of the repairs for which said money was designed :

I. *Be it therefore enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the commissioners appointed under the aforesaid Act, passed on the twelfth day of April, in the year one thousand seven hundred and sixty-eight, and their successors, be authorized to pay over to the vestries of Wambaw and Echaw churches, in the parish aforesaid, whatever sum of money, bonds, notes, and other securities for money, which may be in their hands, by virtue of the Act aforesaid ; one moiety of the said money, or securities of money, to be applied to the use and repairs of Wambaw church, and the other half to the use and repairs of Echaw church ; and the receipt of the said vestries shall be a full and sufficient discharge to

the said commissioners for the payment of the money and transfer of the securities for money aforesaid. A. D. 1826.

II. *And be it further enacted*, That the assent of the commissioners to the provisions of this Act, be obtained in writing, before the same shall be carried into effect.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and in the fifty-first year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT to give to the City Council of Charleston the power to regulate the measuring of Grain sold within the limits of that corporation. No. 2386.

(Passed December 20, 1826. *See last volume.*)

AN ACT TO REQUIRE THE REGISTERS OF MESNE CONVEYANCES TO GIVE SECURITY FOR THE FAITHFUL PERFORMANCE OF THE DUTIES OF THEIR OFFICES. No. 2387.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That every register of mesne conveyances, who shall hereafter be elected, before entering on the duties of his office shall give bond to the State of South Carolina, with good security, in the sum of five thousand dollars, for the faithful performance of the duties of his office; which bond shall be lodged in the treasury, and approved as the bonds of other public officers are.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and in the fifty-first year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO VEST IN THE COMMISSIONERS OF THE POOR CERTAIN POWERS HERETOFORE EXERCISED BY THE VESTRIES AND CHURCH-WARDENS AND OVERSEERS OF THE POOR. No. 3388.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same,

A.D. 1826.

That from and immediately after the passing of this Act, the several boards of Commissioners of the Poor throughout this State, shall be vested respectively with all the powers and authority within their parishes and districts, which have been heretofore legally exercised by the vestries and church-wardens and overseers of the poor, so far as the same relate to the government and removal of the poor in and from their respective parishes and districts; any law, custom or usage, to the contrary thereof in any wise notwithstanding.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and in the fifty-first year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2389. AN ACT TO MAKE THE FRAUDULENT AND SECRET TAKING OF COTTON, CORN, AND OTHER GRAIN, BEFORE SEVERANCE FROM THE SOIL, LARCENY.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met in General Assembly, and by authority of the same, That from and after the first day of June next, if any person shall take, from any field not belonging to such person, any cotton, corn, rice, or other grain, fraudulently, with an intent secretly to convert the same to the use of such person taking the same, such person so offending shall be guilty of larceny, either grand or petit, as the value of the property may be.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and in the fifty-first year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2390. AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT FOR THE ABOLITION OF THE RIGHTS OF PRIMOGENITURE, AND FOR GIVING AN EQUITABLE DISTRIBUTION OF THE REAL ESTATES OF INTESTATES, AND FOR OTHER PURPOSES THEREIN MENTIONED," PASSED THE NINETEENTH DAY OF FEBRUARY, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND NINETY-ONE.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, if any person possessed of, interested in, or entitled to, any estate, real or personal, shall

die without disposing thereof by will, and shall leave no lineal descendant, father, mother, brother or sister of the whole blood, or their children, or brother or sister of the half blood, or lineal ancestor or next of kin, the widow of such person so dying intestate shall take the whole of his estate, both real and personal.

A. D. 1826.

II. *And be it further enacted* by the authority aforesaid, That if any married woman shall die without leaving a lineal descendant, father, mother, brother or sister of the whole blood, or their children, or brother or sister of the half blood, or lineal ancestor or next of kin, her husband shall be entitled to the whole of the real estate she died possessed of, was interested in, or entitled unto, and so much of the personal estate as the marital rights did not vest in the husband; any law to the contrary thereof notwithstanding.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and in the fifty-first year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT TO INCREASE THE NUMBER OF JUSTICES OF QUORUM AND OF THE PEACE IN SEVERAL DISTRICTS WITHIN THIS STATE. No. 2391.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That there shall be appointed five justices of quorum and two justices of the peace, for the district of Laurens, two justices of quorum for Chester district, in addition to the number now allowed by law; also, one justice of the quorum and two justices of the peace for Marion.

II. *And be it enacted*, That two justices of the peace be appointed for Newberry, in addition to the number already allowed by law.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and in the fifty-first year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT FOR THE OPENING AND RENDERING NAVIGABLE LITTLE RIVER, IN FAIRFIELD DISTRICT. No. 2392.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the proprietors of the lands situate on Little river, from Kincaid's bridge to its confluence with Broad river, at his, her, or their own proper labour or expense, shall have full power and authority to clear out, make navigable and keep open the river called Little river, in Fair-

A. D. 1836. field district, from Kincaid's bridge on the same, to its confluence with Broad river.

II. *And be it further enacted* by the authority aforesaid, That if any person or persons, after the first day of May next, shall stop up or obstruct, or in any manner or ways cause to be stopped up or obstructed, the passage of the said river, either by falling timber, setting fish traps, or fencing in or across the same, or in any way or manner obstruct or prejudice the navigation of the said river, he, she, or they, so offending, shall be liable and subject to indictment and fine, at the discretion of the court.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and in the fifty-first year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2393. AN ACT TO AUTHORIZE THE TREASURER OF THE LOWER DIVISION OF THE STATE TO ISSUE A NEW CERTIFICATE OF STOCK TO THE CHARLESTON BIBLE SOCIETY, IN LIEU OF ONE LOST.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the treasurer of the lower division of this State be hereby authorized and required to issue to the Charleston Bible Society a new certificate of stock, in lieu of the former certificate lost, for four thousand dollars State three per cent. stock, (No. 479) number four hundred and seventy-nine, dated the fourteenth day of August, one thousand eight hundred and ten, in favor of Nathaniel Russell, for the Charleston Bible Society, and that the same be of equal legal validity with the original certificate of stock: *Provided*, that upon the delivery thereof the said Society do execute to the said treasurer a bond of indemnity, in a penalty of equal amount, to guarantee and indemnify the State from any liability or damage to accrue from the former certificate.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and in the fifty-first year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2394. AN ACT to change the time for holding the Courts of Common Pleas and General Sessions, for the Districts of Williamsburgh, Georgetown and Horry, and for holding the Courts of Equity on the second Equity circuit.

(Passed December 20, 1826. See last volume.)

A. D. 1836.

AN ACT TO INCORPORATE THE VILLAGE OF WALTERBOROUGH.

No. 2395.

WHEREAS, the present situation and population of the village of Walterborough, demands the intervention of the legislature, to preserve the peace and prosperity of the same.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, that all persons, citizens of the United States, now owning dwelling houses in the village of Walterborough, or those that may hereafter own dwelling houses therein, or occupying under lease, during the season that persons resort thither for health, a dwelling house, shall be deemed, and are hereby declared to be, a body politic or corporate; and that the said village shall be called and known by the name of Walterborough, and be deemed corporate. Walterborough incorporated.

II. *And be it further enacted* by the authority aforesaid, That the said village shall be governed by an Intendant and six Wardens, who shall be appointed, in the first place, by the delegation of St. Bartholomew's parish, and shall continue in office until the third Monday of September next, on which day, as well as on the third Monday of September in every year thereafter, an election shall be held for an intendant and six wardens (who shall always be freeholders within the limits of said village) at such place as the intendant and wardens shall designate, ten days notice being previously given; and that all free male white inhabitants of the age of twenty one years, of the said village, and who have resided therein three months previous to the election, shall be entitled to ballot for the said intendant and wardens; the election to be held from nine o'clock in the morning, until two o'clock in the afternoon; and when the polls shall be closed, the managers shall proclaim the said election, and give notice in writing to the persons elected; and that the intendant and wardens of said village, for the time being, shall always appoint the managers, three in number, for the ensuing elections. That the intendant and Wardens, before entering upon the duties of their offices, shall take the oath prescribed by the constitution of this State, and also the following oath, viz: "As Intendant (or Warden) of Walterborough, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes for which I have been appointed. So help me God." To be governed by an Intendant and six Wardens.

III. *And be it further enacted* by the authority aforesaid, That in case a vacancy should occur in the office of intendant, or any of the wardens, by death, resignation, removal from office, or absence from the State, an election to fill such vacancy shall be held by appointment of the intendant and wardens, or the wardens, as the case may be, ten days previous notice being given: and in case of the sickness or temporary absence of the intendant, the wardens forming a council shall be empowered to elect one of the wardens to act in his room during the time. Vacancies, how to be filled.

IV. *And be it further enacted* by the authority aforesaid, That the intendant and wardens, duly elected, and having duly qualified, shall, during the term of service, severally and respectively, be vested with all the powers of justices of the quorum, of this State, and their immediate jurisdiction as conservators of the peace shall extend three quarters of a mile in every direction from the place where the library house now stands. That the intendant shall and may, as often as occasion may require, summon Power and duties of the Intendant and Wardens.

A. D. 1896.

the wardens to meet him in council, any three of whom, with the intendant, may constitute a quorum to do business; and they shall be known by the name of "The Town Council of Walterborough;" and they and their successors, hereafter to be elected, may have a common seal; and they shall have power and authority to constitute and appoint, from time to time, such and so many proper persons to act as constables within their jurisdiction, according to law, as they shall find expedient and proper; which constables shall have all the powers and privileges, and be subject to all the duties and regulations, appointed by the laws of this State for the said office of constable. And the intendant and wardens shall have full power, under their corporate seal, to make and establish all such rules, by-laws and ordinances, respecting the streets, ways, markets and police of the said village, as shall appear to them necessary and requisite for the security, welfare and convenience of the said village, or for preserving health, peace, order and good government within the same; and the said council may affix fines for offences against their by-laws, and appropriate the same to the public uses of the said corporation. But no fine shall exceed fifty dollars, for any one offence; which fines, when they exceed twelve dollars, may be recovered in the Court of Common Pleas for Colleton district, and when under the sum of twenty dollars, before the said intendant and wardens, or any two of them; *provided*, that nothing herein contained shall authorize the said council to make any by-laws inconsistent with or repugnant to the laws of the land; and that all the by-laws and ordinances they may make shall at all times be subject to the revision or repeal of the legislature.

May remove
and abate nuisances,
and regulate the
patrol.

V. *And be it further enacted* by the authority aforesaid, That the said intendant and wardens shall have full power to abate and remove nuisances in said limits, and to classify and arrange the inhabitants liable to do patrol duty, and to require them to perform such duty as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now established by law; and that the said intendant and wardens, or any one of them, upon view thereof or complaint lodged, are hereby required to issue warrants against all offenders, and cause them to be brought before them, and, upon due examination, shall either release, admit to bail, (if the offence be liable,) or commit to jail, such offenders, as the case may require; and the sheriff of Colleton district is hereby enjoined to receive and keep the persons so committed, until discharged by due course of law; and that the said intendant and wardens may, collectively or severally, take recognizance in all criminal cases, upon the terms and in the manner as justices of the peace and quorum are required to do by law.

Have power to
grant licenses.

VI. *And be it further enacted* by the authority aforesaid, That the said intendant and wardens shall have the full and only power of granting licences for billiard tables, to keep taverns, or retail spirituous liquors, within the said limits, which licences shall be granted in the same manner and upon the same conditions as they are now granted by commissioners of roads, under the laws of this State; and all the powers vested in commissioners of roads are hereby granted to the said Intendant and wardens within the said limits; and that all monies paid for licences, fines and forfeitures, for retailing spirituous liquors, keeping taverns and billiard tables, within the said limits, shall be paid to and applied by the said intendant and wardens to the public uses of the said corporation.

May compound with
persons liable
to work on the
roads.

VII. *And be it further enacted* by the authority aforesaid, That the said intendant and wardens shall have full power and authority to compound with persons liable to work on the roads in said limits, and to

release such persons as may desire to be released therefrom, upon the payment of such annual sum to the said intendant and wardens, as may be deemed by them a fair equivalent therefor, to be applied by them to the service and uses of said corporation; and that no person residing in said limits, seven months in the year, shall be liable to work on any road without the said limits, or be taxed or assessed, for the same.

A. D. 1826.

VIII. *And be it further enacted*, That this Act shall remain in force for three years and no longer. Duration of this Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and in the fifty-first year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT TO REDUCE THE FEES OF THE SHERIFFS FOR DIETING SLAVES. No. 2396.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of January next, the Sheriffs shall be allowed only eighteen cents per day, for dieting slaves in the several gaols of this State.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and in the fifty-first year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT TO DIVIDE PENDLETON DISTRICT INTO TWO COUNTIES. No. 2397.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the district of Pendleton be divided into two counties, by a line commencing at the mouth of Cain Creek on Tugaloo river, thence to the point where eighteen mile creek is crossed by the road leading from Pendleton court house to Hagood's store, thence to the mouth of George's creek on Saluda river; and that each of the said counties shall constitute a judicial district, the southern of which shall be called Anderson county, and the northern Pickens county. Pendleton district to be divided.

II. *And be it further enacted*, That Col. J. C. Kilpatrick, Major Lewis Commissioners and Thomas Garvin, be commissioners, with the assistance of two surveyors, to be by them selected, to run out and mark the said line. to divide the same.

III. *And be it further enacted*, That James Harrison, R. B. Norris, M. Gambrell, J. C. Griffin and William Sherrard, be commissioners for Anderson county aforesaid; and Andrew Hamilton, R. H. Briggs, J. C. Kilpatrick, Wm. Beavert and Jabez Jones, be commissioners for Pickens county aforesaid; who are hereby authorized, in each of the said counties respectively, to select and purchase a tract of not less than one hundred, nor more than Land to be purchased for public buildings.

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four hundred acres, as nearly central as expedient, upon which they shall lay out a village and determine the site of the public buildings; and that the said commissioners, in each of the said counties respectively, after reserving such portions of the tract to be purchased by them for public purposes, as shall seem to them meet, shall, after three months notice, sell, at public auction, lots in the villages aforesaid, upon such terms as shall seem to them most advantageous, and make returns of the said sale to the legislature at its next meeting.

Plans to be made.

IV. *And be it further enacted*, That the plan in each of the said villages, shall be made by the commissioners of each of the counties aforesaid, and returned to the office of the Secretary of State, together with a plat of the survey of the dividing line between said counties.

Commissioners of public buildings appointed.

V. *And be it further enacted*, That James Thomson, Samuel J. Hammond, J. E. Norris, Alexander Moorhead, L. Goode, be commissioners of public buildings in Anderson county; and G. W. Liddell, Tarlton Lewis, Nathan Boone, Thomas B. Reed, and James M'Kenny, sr., be commissioners of public buildings in Pickens county; who shall, in each of the villages aforesaid, contract for and superintend the building of their respective court houses, upon such sites as shall be determined by the commissioners appointed for that purpose.

Court house now contracted for, to be abandoned.

VI. *And be it further enacted*, That the court house for Pendleton district, now contracted to be built, be abandoned; and that after satisfying such damages as the contractor may suffer from the loss of his contract, which shall be determined by the commissioners appointed to run the line aforesaid, the balance of the money appropriated, be equally divided between the commissioners aforesaid, and one half be at the disposal of each set of commissioners appointed to build the court houses aforesaid.

Money from sales of lots, how to be applied.

VII. *And be it further enacted*, That such further sums of money as may arise from the future sales of lots in each of the villages aforesaid, be appropriated to defray the expenses of running the line, purchasing the tracts of land, and building the court houses aforesaid.

Court, where to be held in future.

VIII. *And be it further enacted*, That the public records shall remain at Pendleton court house, and the courts be held there as heretofore, until further ordered by law.

Vacancies, how to be filled.

IX. *And be it further enacted*, That the delegation from Pendleton district have power to fill vacancies that may happen, either by death, removal, or refusal to serve, in the different boards of commissioners herein appointed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and in the fifty-first year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

NO 2398. AN ACT TO VEST CERTAIN ESCHEATED PROPERTY IN CERTAIN PERSONS THEREIN MENTIONED.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same,

That all the right of this State to the real and personal estate of Cornelius Mays, late of Barnwell district, be vested in Elizabeth Surrency and Mary Partan.

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II. *Be it further enacted*, That all the legal rights of this State to the real estate of William Dyer, deceased, of Newberry district, be vested in Margaret Dyer, his widow.

III. WHEREAS, in and by an Act of Assembly, passed on the nineteenth day of December, in the year of our Lord one thousand seven hundred and ninety-five, all the confiscated property in the district of Beaufort, and all the escheated property which had then or should thereafter accrue to the State within said district, provided the same should not exceed five thousand pounds sterling, was vested in the trustees of the College of Beaufort: *And whereas*, Abraham Isaacs, late of said district, was in his lifetime and at the time of his death, seized and possessed of certain real estate situated in said district, and, in and by his last will and testament, duly executed to pass real estate, devised the same to De Reviere Beaubien; but the said Beaubien being still an alien at the time of the death of the testator, the said landed property became liable to be proceeded against as escheated, by the trustees aforesaid; but the said trustees, as appears by the signature of many of them to the petition of the said Beaubien, are willing to relinquish all claims to the said devised estate, in his favor, provided they do not thereby impair their right to collect from the designated property whatever balance may be due them: *Be it therefore enacted*, by the Senate and House of Representatives, That all the right, title, interest, claim and demand of the State of South Carolina, in and to all and singular the real estate of the said Isaacs, so devised to the said De Reviere Beaubien, be, and the same are hereby, released to the said Beaubien, his heirs and assigns, forever: *provided*, that the trustees of the College of Beaufort do, on behalf of that institution, release all their right, title, claim, interest and demands, in and to the said real estate and on condition of their so doing,

IV. *Be it further enacted*, That their right to collect from property hereafter to become escheated within Beaufort district whatever balance may be now due them of the before mentioned sum of five thousand pounds so vested in them, under the aforesaid Act of nineteenth of December, one thousand seven hundred and ninety-five, shall not be, in any manner whatever, impaired by such release.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and in the fifty-first year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALI, *Speaker of the House of Representatives.*

AN ACT to establish certain Roads, Bridges and Ferries.

No. 2390.

(Passed December 20, 1826. *See last volume.*)

AN ACT to incorporate certain Societies.

No. 2400.

(Passed December 20, 1826. *See last volume.*)

A. D. 1826.

No. 2401. AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT TO ALTER THE MANNER OF ELECTING ALL DISTRICT OFFICERS, AND TO GIVE THE POWERS OF ELECTING THE SAME TO THE PEOPLE OF THEIR RESPECTIVE DISTRICTS."

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of an Act entitled "An Act to alter the manner of electing all district officers, and to give the powers of electing the same to the people of their respective districts," passed on the fifteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, as authorizes the Governor to fill up all vacancies in the office of Ordinary, as shall take place by the death, resignation, removal out of the State, removal from or expiration of office of any person possessing the same, or by an election for said officer being declared void by the managers authorized to hold elections for said officer, or where any two or more candidates shall have an equal number of votes, be, and the same is hereby, repealed.

II. *And be it enacted*, That whenever any vacancy shall occur in the office of Ordinary, in any of the circuit court districts in this State, by death, resignation, removal out of the State, removal from or expiration of office, of any person possessing the same, or by an election for said officer being declared void by the managers authorized to hold elections for said officer, or where any two or more candidates shall have an equal number of votes, it shall be the duty of the Governor forthwith to issue writs of election to the managers appointed to hold elections for such district, requiring them to hold an election to fill such vacancy; which elections shall be held, conducted, managed and declared in the same manner as is prescribed by the Act herein before recited.

III. *And be it enacted*, That whenever any vacancy shall occur in the said office of Ordinary, in any of the circuit court districts in this State, it shall be the duty of the Clerk of the Court of Common Pleas and Sessions for such district, forthwith to notify the Governor of such vacancy; and it shall be the duty of the said clerk to take charge of the said office, and also of all papers which may be therein, until an Ordinary shall be elected and commissioned for such district.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and in the fifty-first year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2402. AN ACT to admit and incorporate private Stockholders, in the Bank of the State of South Carolina.

(Passed December 20, 1826. See last volume.)

A. D. 1826.

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT No. 2403.
HUNDRED AND TWENTY-SEVEN.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, for the use and service thereof; that is to say, Thirty-seven and a half cents ad valorem on every hundred dollars, of the value of all lands granted in this State; the sum of seventy-five cents per head on all slaves of every description; and the sum of two dollars on all free negroes, mulattoes, and mestizoes, (except such as shall be clearly proved to the satisfaction of the collectors to be incapable, from maims or otherwise, of providing a livelihood,) between the ages of fifteen and fifty; and thirty-seven and a half cents ad valorem on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough; and seventy-five cents per hundred dollars, on factorage employment, faculties and professions, whether in the profession of law the profits be derived from costs of suit, fees, or other sources of professional income, and on the amount of commissions received by vendue-masters and commission merchants, (clergymen, schoolmasters, schoolmistresses and mechanics excepted,) to be ascertained and rated by the assessors and collectors throughout this State, according to the best of their knowledge and information; to be paid in specie, paper medium, or the notes of the specie paying banks of this State.

Tax to be raised on lands, negroes, &c. to be paid in notes of the incorporated Banks of this State, &c.

II. *And be it enacted*, That any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay, for the use of the State, a double tax on the same; but this clause shall not be construed to extend to any person sent, or hereafter to be sent, abroad in the service of this State, or the United States, until one year after the expiration of his commission.

Absentees to pay double.

III. *And be it enacted*, That all persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of five dollars per day, before making such exhibitions; which sums shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay the same over into the public treasury annually; and in case of non-payment, the clerk of the court, or any justice of the peace or quorum, is hereby authorized and required to issue an execution, for double the amount of the tax, directed to any sheriff or constable of the district, against the body or goods of the person or persons liable to pay the said tax; provided, that nothing herein contained shall be construed to extend to any incorporated town or city.

Tax on plays and shows.

IV. *And be it enacted*, That seventy-five cents shall be levied on every hundred dollars worth of goods, wares and merchandize, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States, excepted,) which any person shall employ or use as articles of trade, or for sale, barter or exchange, or have in his, her or their possession, on the first day of January, in the year of our Lord one thousand eight hundred and twenty-seven, either on his, her or their own account, or purchased by his, her or their own capital, or borrowed capital, or on account of any person or

Tax on stock in trade.

A. D. 1826.

Oath.

persons, as agent, attorney or consignee; to be assessed by the assessors and collectors throughout this State, according to the best of their knowledge and information; and that every person or persons making a return of such goods, wares or merchandize, to a tax collector, shall take the following oath or affirmation; "I, A. B. do solemnly swear, (or affirm) that the return which I now make, is, to the best of my knowledge and belief, a just and true return of the amount or value of all the goods, wares and merchandize, (the products of this State, or the unmanufactured products of any of the United States, excepted,) which I held in my possession on the first day of January, one thousand eight hundred and twenty-seven, for sale, barter or exchange, either on my own account, or upon borrowed capital, or on account of others, as agent, attorney or consignee. So help me God."

Defaulting collectors to pay 5 per cent a month.

V. *And be it enacted*, That if any tax collector shall refuse or neglect to make his return, and pay the taxes, within the time prescribed by law, which had been received by him, it shall be the duty of the treasurer, within whose division such default shall be made, in addition to the coercive powers which they now possess, to charge the said collector with the interest, at the rate of five per cent per month, from the time he ought to have made such return and paid the taxes, to the time of such settlement.

Information to be given of property sold.

VI. *And be it enacted*, That it shall be the duty of every taxable inhabitant of this State, who shall, since his last return, and prior to the first day of October last, have sold or transferred the possession of any personal or real property liable to tax, (except stock in trade) to give information, at the time of making his next return, of such sale or transfer, and the name of the person to whom sold or transferred, to the tax collector of the district in which he may reside, to the end that said tax collector may be better enabled to collect the public dues.

Tax on persons who sell Lottery tickets.

VII. *And be it enacted*, That after the passing of this Act, no person shall open or keep any office for the sale of lottery tickets, in any other lotteries than such as are or may be authorized by the laws of this State, except for the sale of the tickets in the Jefferson lottery, unless such person shall have first paid to the tax collector of the parish or district a tax of one thousand dollars for such privilege; and if any person shall open or keep any office for the sale of lottery tickets, or shall sell, or offer for sale, any lottery tickets, without having paid the said tax, such person, on conviction thereof by indictment, shall forfeit and pay two thousand dollars; and it shall be the duty of the tax collector of the district or parish in which such office is kept, or in which such lottery tickets may be sold, or offered for sale, to prosecute all persons who shall offend against the provisions of this Act.

Phoenix Insurance Company allowed to underwrite.

VIII. *And be it further enacted*, That the Phoenix Insurance Company be, and they are hereby, authorized and permitted to underwrite any policies of insurance, of any kind whatsoever, and of any value, as fully and completely as they were permitted to do anterior to the Act for the year one thousand eight hundred and fourteen; *provided*, the said company pay, into the treasury of this State, four thousand dollars.

Tax on premiums of insurance on foreign capital.

IX. *And be it enacted*, That a tax of ten per cent, be laid on the amount of all premiums arising from any insurance, or contracts for insurance, against losses by fire, effected in this State, with the agents of any individual, or association of individuals, whose property or capital stock is out of the limits of this State, and not subject to its taxation; and all persons acting as agents for the aforesaid purpose, who may refuse or

neglect to make a return of the amount of premiums received by him or them, shall be double taxed. A. D. 1826.

X. *And be it enacted*, That the treasurer of each division be, and he is hereby, authorized and required to pay all appropriations, made for and on account of any officer of this State, or other appropriation, within his division; except the officers of each branch of the legislature, who shall be paid by the treasurer of the upper division, at the end of the session of the legislature; and except the pay bills of the members of the legislature, which shall be paid on presentment at either of the treasuries; and it shall be the duty of either of the treasurers, whenever he shall make any payment, to take a duplicate receipt, and forward the same to the comptroller-general, with his monthly report. Salaries, &c.
how to be paid.

XI. *And be further it enacted*, That if any transient person or persons not resident in this State, shall at any time sell, or expose to sale, any goods, wares or merchandize whatsoever, in any house, stall or public place, after the first day of January in each year, such person shall make return upon oath, within ten days after commencing to sell as aforesaid, of the whole amount of the stock in trade he may have possessed at that time, to the tax collector of the district or parish in which the said goods, wares or merchandize shall have been or may be sold or exposed to sale; and if any person shall neglect or refuse to make such return as aforesaid, within the term prescribed above, he shall, on conviction thereof by indictment, forfeit and pay the sum of not more than one thousand dollars; unless such person shall have paid for, and procured a license according to the provisions of an Act entitled "An Act to increase the price of license to hawkers and pedlars." Goods of transient persons
taxed.

XII. *And be it further enacted*, That it shall be the duty of such collector to proceed to collect, from such persons so selling as aforesaid, the tax required by law to be paid on stock in trade, within five days after receiving such return. Said tax to be
collected with-
in five days.

XIII. *And be it further enacted*, That the President and Directors of the Bank of the State of South Carolina be, and they are hereby, authorized and empowered to sell for ready money, after due notice given in some of the Gazettes of the city of Charleston, a sum not exceeding three hundred thousand dollars, if so much be necessary, of stock of this State, bearing an interest of five per cent. redeemable in the year one thousand eight hundred and forty-six, at such times, in such sums, and at such places, as they may think advisable; *provided*, the same shall not at any time be sold under par. State stock to
be sold.

XIV. *And be it further enacted*, That so much of the charter of the Bank of the State, as fixes the maximum value of the six per cent. and three per cent. stock of this State, be repealed, and that the President and Directors of the Bank of the State of South Carolina be authorized, at their own discretion, to purchase the said stock, at such times, and in such quantities, and upon such terms, as may appear most expedient to them, and most beneficial to the interests of the State. Part of a former
Act repealed.

XV. *And be it further enacted*, That the comptroller-general be, and he is hereby, required to institute an exact investigation into the condition of the treasuries, and to report, at the next session of the legislature, the precise amount of principal and interest due upon paper medium bonds; and that he be empowered to compel the attendance of all persons whose examination may be necessary to their proper elucidation; and that after giving due notice, he call in the debts due upon said bonds, in three equal annual instalments; and that he be authorized to establish, under his own Comptroller to
investigate the
treasuries.

- A D. 1826.** direction and superintendence, an uniform system of book-keeping in both divisions of the treasury.
- Bonds and mortgages to be collected.** XVI. *And be it further enacted*, That the comptroller-general be, and he is hereby, directed to place in the hands of the attorney-general for collection, such bonds, mortgages and open accounts in the treasury as he may deem most likely to be recovered; and that he report thereon to the legislature at the next session.
- Debts of R. H. Waring and A. Blanding to be collected.** XVII. *And be it further enacted*, That the commissioner of the town of Columbia do collect the debts due to him by Robert H. Waring and Abram Blanding respectively, in four equal annual instalments, on or before the first of June 1827, 1828, 1829 and 1830, and that the remaining debts due to the said commissioner be collected in two equal annual instalments, on the first day of June 1827 and 1828.
- Cheraw bills to be put in suit.** XVIII. *And be it further enacted*, That the comptroller-general be, and he is hereby, directed to put in suit all the bills of the Bank of Cheraw received for taxes, and also a note given by Joshua Lazarus, as collateral security for the payment of the said bills, if the said note be not paid when due.
- Bond of Peter Vaught to be cancelled.** XIX. *And be it further enacted* by the authority aforesaid, That the comptroller-general be, and he is hereby, authorized and directed to cancel the two bonds of Peter Vaught, given in the years 1820 and 1821, as tax collector of All Saints parish.
- Arrears of tax in Marion to be collected.** XX. *And be it further enacted* by the authority aforesaid, That the present tax collector of Marion district be, and is hereby, authorized and required to issue executions against all the taxable inhabitants of said district, who were in arrears to Nathan Tart, deceased, late tax collector of said district, at the time of his death.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and in the fifty-first year of the Independence of the United States of America

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2404. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY-SIX; AND FOR OTHER PURPOSES.

Appropriations I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the salaries of the public officers of this State, and for other purposes, viz:—

For the salary of the Governor, three thousand five hundred dollars.

For the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of three Judges of the Court of Appeals, each three thousand five hundred dollars.

For the salaries of six Judges of the court of Common Pleas and Sessions, each three thousand five hundred dollars.

For the salary of one judge of the court of common pleas and sessions, two thousand five hundred and seventy-two dollars.

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For the salaries of two Chancellors, each three thousand five hundred dollars.

For the salary of the Attorney-General, twelve hundred dollars.

For the salaries of five Circuit Solicitors, in lieu of all charges against the State, for the performance of every duty of their office, seven hundred dollars.

For the salary of the Comptroller-general, two thousand five hundred dollars.

For stationary for the office of Comptroller-general, one hundred dollars, if so much be necessary.

For the salary of a clerk to the Comptroller-general, one thousand dollars; which clerk shall be appointed by and be removed at the pleasure of the Comptroller-general.

For the salary of the Treasurer of the lower division, and for transacting the business of the loan office, five and six per cent. stock of the State, and for clerks, three thousand dollars.

For the Treasurer of the upper division, including clerk hire, two thousand dollars.

For the salaries of the Clerks of the Senate and House of Representatives, each twelve hundred and thirty dollars, to be paid at the adjournment of the Legislature.

For a contingent fund, subject to the draft of the Governor, of the expenditure of which he shall submit an account annually to the Legislature, six thousand dollars.

For the pay of the Members of the Legislature, and of the Solicitors, during the present session, eighteen thousand dollars, if so much be necessary.

For two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the close of the session.

For the rent of the Governor's house in Columbia, five hundred dollars.

For the payment of the contingent accounts of the lower division, fourteen thousand dollars, if so much be necessary.

For the payment of the contingent accounts of the upper division, fifteen thousand dollars, if so much be necessary.

For the salary of the President of the South Carolina College, three thousand dollars.

For the salaries of the Professor of Metaphysics and Moral Philosophy and the Evidences of Christianity, of the Professor of Mathematics, of the Professor of the Elements of Criticism, Logic and the Philosophy of Languages, and the Professor of Languages, each two thousand dollars.

For the salary of the Professor of Geology and Mineralogy, one thousand dollars.

For the salaries of two Tutors in the South Carolina College, each one thousand dollars.

For the salary of the Treasurer and Librarian of the College, four hundred dollars: *Provided*, that the sum of one thousand seven hundred and twenty-eight dollars eighty-three cents, heretofore drawn and now in the hands of the Cashier of the branch of the Bank of the State, in Columbia, shall constitute a part of the above appropriations for College salaries.

For the commons and other incidental expenses of one student in the College, from the Orphan House in Charleston, during the ensuing year, two hundred and sixty dollars; to be paid to the Cashier of the Branch Bank in Columbia, for the use of the said student.

For the Librarian of the Legislature, one hundred dollars.

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For the pay of the Clerk of the Court of Richland district, for attending the Court of Appeals in Columbia, one hundred and fifty dollars.

For the pay of the Sheriff of said district, for attending the same Court, and for fuel and candles, one hundred and fifty dollars, to be paid on producing a certificate of the Judges that he has discharged his duty and furnished fuel and candles.

For the pay of the Clerk of the Court of Charleston district, for attending the Court of Appeals in Charleston, one hundred and fifty dollars.

For the pay of the Sheriff of Charleston district, for attending the same Court, and for fuel and candles, one hundred and fifty dollars, to be paid on his presenting the certificate of the Judges that he has done his duty and furnished fuel and candles.

For the pay of the keeper of the State House in Columbia, one hundred and thirty dollars.

For the salary of the Adjutant and Inspector General, two thousand dollars.

For the pay of the Arsenal keeper in Charleston, six hundred dollars.

For the pay of a magazine guard, near Charleston, to consist of an officer, sergeant and twelve privates, four thousand dollars, to be paid by and under the direction of the comptroller-general.

For the pay of the arsenal keeper in Abbeville, two hundred dollars.

For the payment of pensions, twenty thousand dollars, if so much be necessary.

For the payment of annuities, nine thousand dollars, if so much be necessary.

For the support of the Transient Poor of the city of Charleston, payable to the City Council, ten thousand dollars.

For the support of the transient poor of Georgetown, five hundred dollars; to be expended by the commissioners of the poor of Prince George Winyaw, who shall publish annually, in the Georgetown Gazette, the names of all such transient poor, and the sums paid to each; and return, upon oath, annually, to the comptroller-general, an account of their expenditures, to be by him submitted to the Legislature.

For the support of the Transient poor of the town of Beaufort, two hundred dollars; to be paid to the town council, who shall make an annual return of their expenditures to the Comptroller-general, to be submitted to the Legislature.

For the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, one thousand dollars.

For the Physician of the magazine guard and gaol in Charleston, for eighteen hundred and twenty-six, five hundred dollars.

For the salary of the State Reporter, one thousand dollars.

For the salary of the Superintendent of Public Works, and his assistants, five thousand five hundred dollars.

For the support of free schools, thirty-seven thousand dollars; and the commissioners of free schools shall be authorized to draw the unexpended balances of appropriations heretofore made in their respective districts or parishes, in the manner prescribed by the Act to raise supplies for the year eighteen and twenty-three.

For the commons and other incidental expenses of one student in the College from the Winyaw Indigo Society School, for the ensuing year, two hundred and sixty dollars, to be paid to the Cashier of the Branch Bank, for the use of the said student.

For the pay of the arsenal keeper and powder receiver in Beaufort, two hundred and fifty dollars.

For Daniel and John M. Faust, for printing the Acts and Resolutions of the Legislature, the resolutions for the general election, and the Journals of the Senate, fifteen hundred dollars: *Provided*, the Acts and Resolutions be printed and deposited in the office of the Secretary of State, in Columbia, on or before the fifteenth day of February, after each regular session of the Legislature, or four weeks after each extra session, otherwise only one thousand three hundred dollars.

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For D. E. Sweeny, for printing the Journals of the House of Representatives, one thousand and fifty dollars.

For John Mill, in full for books furnished to the Legislative Library, two hundred and fifty-seven dollars thirty-seven cents.

II. *And be it enacted*, That the treasurer of the lower division be, and he is hereby, required to pay over to the board appointed to establish a Municipal Guard for the protection of Charleston and its vicinity, the sum of four thousand dollars, now in his possession, and which was raised by an Act of 1822, imposing a tax upon houses occupied by free persons of colour; and which sum, together with the further sum of eight thousand five hundred dollars, are hereby appropriated for the completion of the Arsenal for the reception of the arms and munitions of war.

Money to be paid over for the Municipal Guard.

III. *And be it enacted*, That the intendant of the city of Charleston for the time being, together with Benjamin F. Hunt, John Strohecker, James Ferguson, and William Aiken, be, and they are hereby appointed, commissioners to superintend the erection of the arsenal, and authorized to receive the above sums; the board of commissioners being by this Act reduced to five.

Commissioners to superintend the erection of an arsenal.

For the purchase of books, made by the Judges of the Court of Appeals, as recommended by joint resolution of both houses, seven hundred dollars, if so much be necessary.

For claims, according to the reports of the committee on claims, as concurred in by both branches of the Legislature, twenty thousand dollars, if so much be necessary.

For the payment of persons who have rendered medical services to paupers, prisoners, and others, according to the reports of the medical committee, as agreed to by both branches of the Legislature, seven hundred dollars, if so much be necessary.

IV. *And be it enacted*, That the Comptroller-general be, and he is hereby, directed to refund the following sums to the following persons, being the amounts of taxes over paid by them respectively, viz: to James L. Pettigru, thirty-one dollars twelve cents; to Lawrence Williams, ten dollars eighteen and three quarter cents; and to George J. McCauley, the amount of the double tax paid by him.

Moneys to be refunded.

V. *And be it enacted*, That the Comptroller-general be, and he is hereby, required to cancel a double tax execution issued against the estate of John Carr, upon his being satisfied that it was issued for the tax of 1826, and to refund the amount in the event of the double tax being proved to have been paid.

John Carr's double tax to be refunded.

VI. *And be it enacted*, That the penalty of five per cent. per month, incurred by John P. Bruce and Elias D. Law, as securities of John McRea, tax collector for Darlington district, be, and the same is hereby, remitted; and that the Comptroller-general be directed to have the amount due by them, as sureties of the said McRea, settled at the rate of seven per cent. per annum.

J. P. Bruce and E. D. Law relieved.

VII. *And be it enacted*, That the Solicitor of the middle circuit do proceed to obtain judgment against the sureties of Charles M. Hart, late tax collector for York district, upon which judgment when obtained,

Securities of C. M. Hart to be sued.

A. D. 1826. indulgence shall be granted until the first day of January, 1828; and that the said sureties be exempted from the payment of five per cent. per month, upon condition of their paying interest upon the amount of the defalcation of the said Hart, at the rate of seven per cent. per annum.

Bond of S.
Lacoste to be
cancelled.

VIII. *And be it enacted*, That the Comptroller-general be, and he is hereby, directed to cancel the bond of Stephen Lacoste, as tax collector of Salem county.

Certain offices
to be removed
to the fire proof
building in
Charleston.

IX. *And be it enacted*, That the Comptroller-general, the Treasurer of the lower division, and the Secretary of State, be, and they are hereby, authorized to remove their offices in Charleston to the fire proof building in that city, and that the sum of three hundred dollars, if so much be necessary, be, and is hereby, appropriated for providing the rooms to which they may remove with proper fixtures, cases, &c., to be expended by the Comptroller-general, who shall report thereon at the next session of the Legislature.

Pay to jurors
and constables
in Horry district.

X. *And be it enacted*, That the sum of one hundred and ten dollars be appropriated for the payment of the grand and petit jurors and constables who attended upon the court of sessions for Horry district in October term, 1826, if so much be necessary.

For Jabez B. Bull, for the repair of a field piece attached to the Pendleton Artillery, fourteen dollars and seventy-five cents.

For the payment of the grand and petit jurors and constables, for their attendance upon the court for Georgetown district, in October term, 1826, two hundred dollars, if so much be required.

Appropriations
for internal
improvements.

XI. *And be it enacted*, That the following sums be, and they are hereby, appropriated for internal improvement, to be applied by the Superintendent of public works to the specific objects and purposes hereafter enumerated, viz:

For balance due on the contract authorized for the second and third sections of the Rocky Mount Canal, forty thousand dollars.

For completing the fourth and last sections of the Rocky Mount Canal, and for completing the navigation of the Wateree and Catawba rivers, between Camden and the North Carolina line, for which the Superintendent is hereby authorized to contract, provided the same shall not exceed one hundred and thirty thousand dollars, eighteen thousand dollars: And the Superintendent is also authorized to sell lands in the neighborhood, which have been estimated at two thousand dollars.

For Elliott's Cut, three thousand five hundred dollars; and the Superintendent is hereby authorized to contract for opening the same: *Provided* it shall not exceed twelve thousand dollars.

For Saluda river, six hundred and fifty-two dollars.

For the Broad river and Bull sluice dams, two thousand six hundred and eighty-one dollars fifty cents.

For sums advanced by the Superintendent of public works, three thousand six hundred and ninety-two dollars sixty-three and a half cents.

For Broad river and Bull sluice dams, to be expended in repairing and making the same tight, and for an additional fish sluice, two thousand four hundred dollars.

For Black creek, one thousand dollars.

For the State road, ten thousand dollars—and the Superintendent of public works is hereby authorized to pledge the tolls receivable during the two ensuing years; and that he be further authorized to contract for continuing the road from Providence swamp to Columbia bridge: *Provided*, it shall not exceed forty thousand dollars.

For contingent expenses in the department of public works, three thousand dollars.

XII. *And be it further enacted* by the authority aforesaid, That the Superintendent of public works be authorized to pay to the following persons the sums hereby appropriated, viz :

To Benjamin Hart, for assessment made by order of the last Legislature, in addition to the sum already paid him, three hundred and fifty dollars.

To Stephen Elliott, for assessment made by order of the last Legislature, in addition to the payment already made, five hundred dollars.

XIII. *And be it further enacted*, That the Superintendent of public works be, and he is hereby, authorized to make contracts for constructing a road between Buckhead causeway and Walterborough : *Provided* he shall not expend thereon more than the tolls which may be collected at said causeway during the two succeeding years ; which said tolls he shall be authorized to pledge for that purpose, and none other.

XIV. *And be it enacted*, That the following sums be, and are hereby, appropriated for public buildings, to be applied to the objects hereafter enumerated, viz :

For the erection of a new jail in Sumter district, eight thousand dollars, if so much be necessary.

For the erection of a new jail in Laurens district, eight thousand dollars, if so much be necessary.

For the repair of the court-house of Edgefield district, three thousand dollars, if so much be necessary.

For the repair of the court-house in Abbeville district, five hundred dollars, if so much be necessary : And the commissioners of public buildings for Abbeville district are hereby authorized to expend any portion of the sum above mentioned, for repairing the court-house, in repairs of the jail and arsenal, in the said district.

For completing the Lunatic Asylum, twelve thousand dollars, and the Governor ex-officio, the Intendant of the town of Columbia for the time being, the Superintendent of public works, Thomas Cooper, James Davis, Wade Hampton, jr. and William Briggs, are appointed commissioners to carry the said work into execution.

For D. A. Ring, for repairs done to the public buildings in Beaufort district, seventy-three dollars.

For Eliza Bronson, twenty-one dollars twenty-seven cents ; and for William Gray, sixty-four dollars fifty-eight cents, for repairs to the court-house in Richland district.

For repairs to public buildings in Lexington district, fifty dollars, if so much be necessary.

For Thomas Addison, fourteen dollars thirty-seven cents, being the amount of a double tax remitted at the session of 1825, and omitted in the appropriation Act of that year.

For the securities of Adam Carruth, six hundred dollars and ninety-five cents ; and the Comptroller-general is directed to enter satisfaction upon the judgment obtained by the State against them, upon the payment of costs, if any be due.

For the excess of disbursements of the late Governor, Richard I. Manning, over and above the contingent fund for 1826, five hundred dollars, if so much be necessary.

For Martin Stroble, seventeen hundred and eighty dollars, for making an index to the grants in the office of the Secretary of State in Charleston.

Fifty dollars to John Wagner, for professional services, rendered at the request of the Attorney-general in a case of supposed murder.

XV. *Be it further enacted* by the authority aforesaid, That the trea-

A. D. 1826.

Money to be paid to certain persons.

Road from Buckhead to Walterborough.

Appropriations for public buildings.

A. D. 1826.
 Appropriation
 for Mrs. Ran-
 dolph.

suror of the lower division be, and he is hereby, directed to issue ten thousand dollars, six per cent. stock, interest payable semi-annually, redeemable in 1850; which stock shall be in the name of any person or persons whom Mrs. Randolph, the daughter of the late Thomas Jefferson, may appoint, to be held in trust for her sole and separate use and benefit, and to be subject to her disposition by any writing under her hand.

Appropriations
 for T. Hunt
 and B. Elliott.

XVI. *Be it enacted*, That the sum of three hundred dollars be, and the same is hereby, appropriated for Thomas Hunt, register in equity for Charleston district, for heretofore attending the appeal court in Charleston; and the sum of six hundred dollars to Benjamin Elliott, for heretofore attending the appeal court in Charleston, as register in equity.

U. States arms
 to be purchas-
 ed.

XVII. *And be it enacted*, That his Excellency the Governor be, and he is hereby, authorized to purchase the arms of the United States offered for sale by Major Payne, and that the sum of two thousand five hundred dollars be, and is hereby, appropriated for that purpose.

For the purchase of a lot and the erection of a new jail in the town of Columbia, ten thousand dollars.

For the payment of contracts in relation to the fire proof offices, one thousand nine hundred and ten dollars forty cents.

For Thomas T. Willison, commissioner in equity for Richland district, for attending the court of appeals in 1825 and 1826, and for recording the decrees of the same, and for copying decrees for the State Reporter, five hundred and twenty-five dollars and fourteen cents.

N. G. Cleary's
 accounts, how
 to be paid.

XVIII. *And be it enacted*, That the Comptroller-general be, and he is hereby, directed to pay the accounts of N. G. Cleary, sheriff of Charleston district, according to the report of the Comptroller, agreed to by both branches of the Legislature, out of the amount appropriated in this Act for the payment of the contingent accounts of the lower division.

For the assessor of St. Philip's and St. Michael's, eight hundred dollars.

For John Miller, eleven dollars, and for Jacob Slappy, eighteen dollars, being the amount of double taxes paid by them respectively, and hereby remitted.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and in the fifty-first year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2405. AN ACT ESTABLISHING THE PRINCIPLES ON WHICH COMPANIES SHALL BE INCORPORATED, AND THE CHARTERS OF FERRIES, BRIDGES AND TURNPIKE ROADS SHALL BE HEREAFTER GRANTED; AND FOR OTHER PURPOSES THEREIN EXPRESSED.

Formation of
 companies.

Clause I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever hereafter the legislature shall authorize the formation of a company for the construction of a turnpike road, bridge, causey, or the keeping of any ferry, the company, in its formation, organization and subsequent proceedings, shall be subject to all the

provisions of this Act; except such as the Act of authorization shall expressly, or by necessary implication, exclude. A. D. 1827.

1. The value of each share in the company shall be one hundred dollars; to this amount alone shall instalments on one share be called for, Value of shares. and in sums not exceeding ten dollars on one share, in any one period of sixty days; at the time of subscribing, ten dollars shall be paid on each share subscribed for.

2. Where the Act of authorization does not fix the number of shares in the company, they shall not be less than one hundred nor more than three hundred. A subscription for the lowest number shall be sufficient for organizing the company, and then the shares may be increased by the company to any number not exceeding three hundred. Number of shares.

3. The Governor for the time being shall name three or more commissioners to receive subscriptions for the stock, and appoint the time and place or places of subscribing; the time named shall be the first day of opening the books, and they shall remain open for six successive secular days, from ten in the morning until four o'clock in the afternoon of each day. During this period, the commissioners shall receive all subscriptions for shares which may be offered, and on which there shall be paid to the said commissioners, the sum of ten dollars for each share. At the closing of the books, the commissioners, or a majority of them, shall declare the stock filled, if that be the case. If more shares are subscribed than are authorized, the commissioners shall reduce them to the authorized number, by taking from the highest subscribers until all are reduced to equality, as near as possible. But if perfect equality cannot be obtained, the last reduction producing inequality shall be from the lower subscribers. The deposit on reduced shares shall be immediately returned to the subscribers; and the deposits on all shares not reduced, and which form the stock of the company, shall be immediately paid into the Bank of the State of South Carolina, or one of the branches thereof, to the credit of the company. Commissioners to be named and books to be opened.

4. If at closing the books, all the shares are not subscribed, the commissioners shall return all the deposits which shall be demanded, within one month; and at the expiration of that month, shall pay the rest into the said Bank or one of the said branches, to the credit of the company, in case it shall be organized, and if not, to be passed to the credit of the subscribers who have paid the same. And thereupon, the commissioners shall deliver the book or books of subscriptions, to the Cashier of the said Bank or branch in which the deposit is made, who shall receive private subscriptions for shares, with payment of ten dollars on each, until the whole stock required to organize the company is taken, when the books shall be by him closed; *provided nevertheless*, that the books shall in no case be kept open by him after the first day of the next constitutional meeting of the legislature; on which said day, the Act of authorization shall expire, unless all the shares are then subscribed, and the deposits on them are paid into Bank. The Cashier shall regard all public subscriptions on which the deposits are paid into Bank, as private subscriptions. Where the shares are not all taken, deposits to be returned.

5. Where all the shares of the company are taken, either by public or private subscriptions, a list of the subscribers, with the number of shares each has subscribed, shall be made out by the commissioners who received them; or in the case of private subscriptions, by the Cashier of the Bank; and on the back of such list shall be endorsed a certificate by the President of the Bank or the branch thereof, that the deposit of ten dollars on each share has been paid into the said Bank or branch; which said list and certificate thereon, shall be delivered by the said President to the Secretary of State. List of subscribers to be made out.

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Letters patent
to be made out.

6. Upon the receipt of such list and certificate, it shall be the duty of the said Secretary to make out letters patent, declaring the subscribers on the said list a body corporate, by the name and for the purposes mentioned in the Act of authorization; which said letters patent shall be signed by the Governor, countersigned by the said Secretary, and under the seal of the State; and thereupon, the subscribers shall thenceforth form a body politic and corporate, in deed and in law, by the said name, and for the said purposes.

Corporation to
have succe-
sion of mem-
bers.

7. Such corporation, so formed and patented, shall have perpetual succession of members, may have a common seal, may sue and be sued, plead and be impleaded, in any court of law or equity in this State; and may make all such regulations, rules and by-laws as are necessary for the government of the corporation, or for effecting the object of it, as expressed in the Act of authorization; *provided*, such regulations, rules and by-laws shall not be repugnant to the laws or constitution of this State.

Not to carry on
banking.

8. Such corporation is expressly prohibited from carrying on any Banking operations, from effecting any insurances on lives or property, and from trading either as brokers, factors or merchants.

May hold real
estate.

9. Such corporation shall have power to purchase, have and hold in fee, or for years, any real estate which may be necessary for the accomplishment of the objects expressed in the Act of authorization; but for no other object or purpose; *provided*, the value thereof shall not exceed one tenth part of its capital stock; and shall have power to sell, convey or exchange the same.

May hold
Bank stock.

10. Such corporation is authorized to vest in the stock of this State, or of any incorporated Bank thereof, or in stock of the United States, or of the Bank thereof, annually, one fourth part of its profits; *provided*, the whole amount so invested shall not exceed, at any one time, one half of the costs of all the bridges erected by such company: which sum so invested shall constitute the primary fund for the re-construction of such bridges. The dividends and interest accruing on such investments shall not be regarded as a part of the profits of the corporation in the estimate to be taken under this Act; but the amount annually invested shall be taken from the limited profits of the year in which the investment is made.

How to pro-
ceed when the
shares are held
by less or more
than six indi-
viduals.

11. When all the shares of such corporation are held by less than six individuals, they shall appoint a President, and all the other members shall be regarded as Directors. But if the shares are held by six or more individuals, then, at a general meeting of the stockholders, they shall elect a President, and not less than two nor more than twelve Directors, who shall have power to appoint a Secretary of the company, and all other agents, officers and contractors, which by the by-laws of the company may be authorized. The said President and Directors shall be styled the Direction of the corporation, and shall make all contracts and agreements in behalf thereof, and have power to call for all instalments, declare all dividends of profits, and to do and perform all other acts and deeds which the by the by-laws of the corporation they may be empowered to do and perform, not inconsistent with the Act of authorization; and the acts of the Direction, authenticated by the signatures of the President and Secretary, shall be binding on the corporation without seal.

Elections, how
to be conduc-
ted.

12. In all elections for President and Directors of the corporation, and on all questions coming before a general meeting of the stockholders, the votes shall be taken according to the following scale, viz: The owner of one or two shares shall be entitled to one vote; the owner of not less than three nor more than four shares, shall be entitled to two votes; the owner of not less than five nor more than six shares, shall be entitled to three

votes; the owner of not less than seven nor more than eight shares, to four votes; the owner of not less than nine nor more than eleven shares, to five votes; the owner of not less than twelve nor more than fifteen shares, to six votes; the owner of not less than sixteen nor more than twenty shares, to seven votes; the owner of not less than twenty-one nor more than twenty-six shares, to eight votes; the owner of not less than twenty-seven nor more than thirty-three shares, to nine votes; the owner of not less than thirty-four nor more than forty shares, to ten votes; and the owner of every ten shares above forty, shall be entitled therefor to one vote; *provided*, that no individual shall be entitled to more than twenty votes.

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13. Votes may be given by proxy, but the person so voting must be a stockholder, and before he votes may be required by any stockholder to swear that he has no interest, directly or indirectly, in the stock in which he so offers to vote by proxy. A trustee of stock shall not vote on shares held by him in trust, expressed or declared, where the *cestuique* trust holds other shares, either in his own name or in the name of another trustee; but the *cestuique* trust may vote on all shares owned by him, whether legally or equitably, according to the scale aforesaid.

Votes may be given by proxy.

14. The election of President and Directors shall be made annually, and at least one director shall be changed at each election, according to a by-law made for that purpose. But if the day of annual election should pass without an election for President and Directors, or any of them, the corporation shall not be thereby dissolved, but it shall be lawful on any other day to hold and make such election, in such manner as may be prescribed by the by-laws of the corporation.

Elections how made.

15. The Direction shall once in every year make a full report on the state of the corporation and of its affairs, to a general meeting of the stockholders.

Directors to report to general meeting.

16. The Direction shall not exceed in their contracts the amount of the capital of the corporation; and in case they shall do so, the President and Directors who are present at the meeting at which such contract or contracts so exceeding the said capital shall be made, shall be jointly and severally liable therefor, both to the contractor or contractors, and to the corporation; *provided*, that any one of them may discharge himself from such liability by voting against such contract or contracts, and causing such vote to be recorded in the minutes of the Direction, and giving notice thereof to the next general meeting of the stockholders.

Contracts not to exceed the amount of the capital.

17. By an Act of the legislature, passed on application, signed by such majority of the stockholders as are owners of at least two thirds of the stock, the capital stock of the corporation may be increased, either by increasing the amount of the shares, or by increasing the number thereof by new subscriptions; and by such Act the powers of the corporation may be extended to the construction of new works, connected with the old.

Capital may be increased.

18. After a road or bridge has been once completed, and the same shall be destroyed in part or in whole, if the funds of the company are not sufficient to reconstruct it, a general meeting of the stockholders may order an instalment on each share, beyond the sum of one hundred dollars before limited, which shall be adequate to such re-construction; *provided*, such instalment shall not exceed twenty dollars on each share.

How to proceed where road or bridge is destroyed.

19. Where any stockholder of such corporation shall become the contractor for any part of the work at public auction, or with the approbation of the stockholders at a general meeting, and shall give security for the performance thereof, approved by the Direction, he shall receive credit on his instalments as called for, for such proportion of the amount of his contract as corresponds with the rate of such instalments.

How to proceed where a stockholder becomes contractor.

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Work to be begun within one year.

20. When such corporation is duly chartered as aforesaid, it shall begin the work designated in the Act of authorization, within one year after the date of the charter, and shall complete the same within four years after the said date; and on failure either to begin or to complete the same within the time limited, the charter shall be *ipso facto* forfeited, and the corporation shall *ipso facto* dissolve.

How to proceed where the State is a subscriber.

21. In case the Act of authorization shall direct a subscription of stock in behalf of the State, such subscription shall be made by the comptroller general, as soon as all the other shares are subscribed, and ten dollars on each share are paid into Bank. The State shall have a number of votes in the Direction equal to its stock, which may be given by a single person, or by as many persons as there are votes, which person or persons so exercising the power of Directors, shall be appointed by the Governor, unless a different mode of appointment shall be prescribed by law. The person or persons acting in the direction on part of the State, shall represent the State in all the meetings of the stockholders, and be entitled to vote on all questions except the appointment of President and Directors, and in voting shall have the proportionate influence which the stock held by the State entitles it to.

Dividends on shares held by the State to be paid into the Bank.

22. All dividends on shares held by the State shall be paid into the Bank of the State of South Carolina, until otherwise directed by a law appointing some other Bank, or designating some other stock in which they shall be invested. If paid into the Bank of the State of South Carolina, they shall be entitled to an interest of five per cent. per annum, which, on the first day of January of each year, shall be carried to the credit of, and become capital, bearing a similar interest. If they are invested in other stock or deposited in another Bank, the dividends or interest shall be regularly converted into capital, and accumulate as aforesaid. After the expiration of twenty-four years from the first receipt of tolls by the corporation, the amount thus accumulated, on part of the State, may be ordered by the legislature to be paid over to the individual stockholders, in proportion to the number of their shares; and thereupon, the Bank in which the same shall be deposited, shall pass the same to their credit individually, and such deposit shall be a valid payment, the State guaranteeing the solvency of the Bank in this respect, for one year from the day of transferring such credit; and such payment shall be *ipso facto* a transfer to the State of an amount of stock at a par value, equal to the amount of the said payment; and thereupon, the dividends on all the stock held by the State, shall accumulate as aforesaid; and after the expiration of ten years, the accumulated amount may be paid by order of the legislature to the individual stockholders; *provided*, the same shall amount to the par value of the whole remaining stock held by them, or shall be made so by an appropriation; and upon such full payment to the individual stockholders of the par value of their whole stock, the same shall vest in the State, and the corporation shall dissolve for every purpose, except for closing its affairs.

Charters may be taken by the State after 34 years.

23. Where the State shall not take stock in a corporation, or where a charter is granted to an individual or individuals in fee, it shall be lawful for the legislature, at any time after the expiration of thirty-four years from the time of the first receipt of tolls by the corporation or individual or individuals, to pay into a Bank, the solvency of which, in that respect, the State guarantees for twelve months, the par value of the whole stock to the credit of the said individual or individuals, or of such individuals as compose the corporation, in proportion to their respective shares, and such payment shall *ipso facto* be a transfer of the whole stock to the State, and the corporation thereupon shall dissolve, and the charter shall expire for every purpose, except for closing its affairs.

24. A share in such corporation may be forfeited for non-payment of the instalment or instalments due on it, according to a by-law of the company to be made for that purpose, and the forfeited shares shall be sold for cash, at public auction, after at least one month's public notice; and in case the sum for which it sells shall not amount to the instalment or instalments for which it is sold, the person who owned the share at the time of forfeiture shall pay the deficiency to the company. If the share shall not sell for any sum, the person who owned it at the time of forfeiture shall continue liable for future instalments. The purchaser of the share at public auction shall be a member of the company, and shall be liable for future instalments in the same manner as an original subscriber.

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Shares may be forfeited.

25. In case a share shall be sold or transferred before all the instalments are paid on it, the person selling or transferring shall be still liable to the company for all instalments due or to become due on the share, and the person to whom it shall be sold or transferred, shall become a member of the company, and shall be liable for all instalments thereafter becoming due.

How to proceed where shares are sold before the instalments are paid.

Clause II. *And be it further enacted* by the authority aforesaid, That every charter for a ferry, bridge or turnpike road, to any individual or individuals, or to any incorporated company, by the legislature of the State, or the authority thereof, hereafter to be granted, shall be subject to all the provisions of this Act, except such as the Act creating or authorizing such charter shall expressly, or by necessary implication, exclude.

Charters subject to the provisions of this Act.

1. Every charter of a bridge, ferry or turnpike road, shall be in fee simple, and shall be held by the grantee or grantees, his, her or their heirs, or assigns, or successors, forever, as real estate, subject to be extinguished in manner hereinbefore expressed.

To be in fee as real estate.

2. No grant of a bridge, ferry or turnpike road, shall prevent the legislature from making further grants of ferries, bridges or turnpike roads, within any distance of the same, whenever the convenience of the community may require such further grants. But every grant of a ferry, bridge or turnpike road, shall exclude all other persons from erecting and keeping up any bridge, ferry or road, which may reduce the profits of such chartered bridge, ferry or turnpike road, except for the individual use of the person erecting and keeping up such unchartered bridge, ferry or road, without the authority of the legislature expressed by Act.

Not to exclude others within any distance.

3. The proprietor or proprietors of a turnpike road shall not erect any toll gate across any public road, now established by law, or which may hereafter be established by Act of the legislature, and which are and shall be kept in repair by the means at the disposal of the commissioners of the roads, according to a general law of the State.

Where toll gates shall not be erected.

4. The proprietor or proprietors of any bridge, ferry or turnpike road, shall not be permitted to receive in tolls or ferriage, for his, her or their own use, more than double the established legal interest of the State, at the time of such receipt, on the capital invested in such bridge, ferry or turnpike road, over and above the current expenses attending the same; and this capital shall be estimated and settled in the following manner, that is to say:—The value of the real estate of the grantee or grantees, required for the works authorized by his, her or their charter, shall be fixed by the Act granting or authorizing the charter; and when this is not done, the said estate shall be regarded as of no value. To this sum, thus fixed by Act, shall be added all the expenses of the construction of the said works, and the extinguishment of the title to lands of other persons required therefor. And a commission constituted as hereinafter expressed, shall examine the accounts and vouchers of such expenses, as soon as the said works are completed; and the said commission, or a majority of them, shall

Rates of toll limited.

A. D. 1827.

thereupon declare the amount thus vouched, together with the sum fixed as the value of the real estate of the grantee or grantees, to be the capital of the said charter; and when any addition or extension of the said work shall thereafter be made, a further account thereof shall be taken, examined and vouched as aforesaid, and added to the said capital. The profits shall be estimated in the following manner, that is to say:—Whenever the proprietor or proprietors shall be required so to do, by a resolution or Act of the legislature, by the Governor of the State, or by any person or persons duly appointed or authorized by the legislature for that purpose, he, she or they, shall keep for the year beginning on the first day of January following, a correct account of all the tolls or ferriages by him, her or them, or any other person, received on account of the said work, specifying the receipts of each day, and the description of travelling on which the same may have been paid; and also, shall keep a correct account of all expenses by him, her or them incurred in keeping and repairing the said work during the said year; and the said accounts shall be submitted to the commission aforesaid, who, after the same shall have been by them examined, vouched and approved, shall report the whole amount of receipts and expenditures approved by them, to the next legislature, together with the items of the accounts shewing the same. Where the commissioners are not satisfied with the account of one year, they may continue it, not exceeding three years, and shall report the result of each year, to the legislature, in manner aforesaid. And thereupon, the surplus of actual profits, beyond the profits limited by this Act, may be, by the legislature, ordered to be applied to the extinguishment of the said capital.

Amount of capital to be entered in a book.

5. It shall be the duty of the proprietor or proprietors, of every bridge, ferry or turnpike road, to cause to be entered in a book to be kept by the treasurer of the upper division, the amount of his, her or their capital, and every enlargement or extinguishment thereof, within three months after the same shall have been settled and established.

How to proceed where any loss shall be sustained.

6. When any loss shall be sustained at any bridge, ferry or turnpike road, for which suit shall be brought and tried, and a recovery had against the proprietor or proprietors, and the jury shall find that the loss was occasioned without any actual negligence on his, her or their part, or the Attorney General or Solicitor of the circuit shall certify that he had notice to attend the said trial, and that there was no proof of actual negligence, the amount of the said recovery and costs may be charged as a part of the current expenses of the year in which the loss happened, and as such shall be admitted by the commission above mentioned.

Bridges may be insured.

7. The proprietor or proprietors of a chartered bridge, shall be authorized to have the same insured against all risks, and the premium paid on such insurance shall be charged in the current expenses of the year in which it is paid, and as such shall be admitted by the commissioners; *provided*, such premium shall not exceed three per cent. on the cost of the bridge ascertained as aforesaid.

Insurance may be effected against losses at ferries.

8. The proprietor or proprietors of any chartered ferry may effect insurances against all losses that may take place at the said ferry, and which he or they may be liable to pay; and the premium paid on such insurance shall be charged in the current expenses of the year in which it is paid, and as such shall be admitted by the commissioners; or in case no such insurance shall be effected, the proprietor or proprietors may charge to the said current expenses in each year, a sum not exceeding six per cent. on the capital invested in the said ferry.

Rates of toll.

9. The rate of tolls receivable at any bridge or turnpike gate, shall be as follows, unless otherwise expressed in the Act granting or authorizing the charter.

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For every carriage with four wheels, for the conveyance of persons, (except stage coaches, running regularly on the road,) drawn by four horses or mules, - - - - - 100 cents

" " three " " " - - - - - 75 "

" " two " " " - - - - - 50 "

For every other carriage with four wheels, drawn by six horses, oxen or mules, or more, - - - - - 75 "

" " five " " " - - - - - 62 ½ "

" " four " " " - - - - - 50 "

" " three " " " - - - - - 37 ½ "

For every carriage with two wheels, for the conveyance of persons, drawn by two horses or mules, or more, - - - - - 50 "

For " " other than for the conveyance of persons, drawn by four horses or mules, - - - - - 50 "

" " three " " " - - - - - 37 ½ "

For every other carriage, - - - - - 25 "

For every person on horseback, or leading or driving a horse or mule, - - - - - 12 ½ "

For every led horse or mule, accompanying a person on horseback, - - - - - 6 ½ "

For every horse or mule in drove, - - - - - 4 "

For every head of cattle, - - - - - 3 "

For every hog, sheep or goat, - - - - - 2 "

For every animal for show, in addition to the carriage in which it may be conveyed, - - - - - 50 "

For every foot passenger crossing a bridge, - - - - - 6 ½ "

But no foot passenger shall be liable to pay toll for passing a turnpike gate.

10. The rate of all toll or ferriage expressed in any charter or in this Act, shall be the maximum of toll to be received, but may be diminished by the proprietor or proprietors at pleasure, or by the legislature, when there shall have been, in the year or years in which the last account was taken, a surplus of actual profit beyond the profit authorized by this Act; *provided*, that such diminution by the legislature shall not exceed the rate of such surplus, nor shall any diminution ordered by the legislature continue beyond the year in which the next account of profits shall be rendered to the legislature in manner aforesaid, on such requisition as aforesaid, or at the request of the proprietor or proprietors.

Toll may be diminished.

11. The tolls demandable and payable at the toll gate of any bridge or turnpike road, now constructed or hereafter to be constructed by authority of the Legislature, shall be paid, if required, before passing the gate, in bills of the Bank of the State of South Carolina, or some other incorporated bank of the State, which redeems its bills in specie whenever presented, or in gold, silver or copper coins of the United States, or in such foreign coins as are made by law current in this State. The collector at a gate or ferry shall make change of all such coins or bills offered him in payment of tolls, under the value of five dollars, except six and a quarter and five cent bills or coins, which shall always be paid to the collector where a less sum is due to him for tolls, unless the exact change shall be tendered him in the copper coin of the United States.

Tolls to be paid before passing the gate.

12. In case the toll is not paid before passing the gate of any turnpike road, bridge or ferry, and shall be refused or neglected to be paid immediately after, the collector may issue his distress warrant for the same, and cause it to be levied on the carriage, horse, animal, or other thing which has incurred the demand for toll, or any article or thing conveyed in such

Warrant may be issued to collect tolls.

A. D. 1827.

carriage, or on such horse, animal or thing, and the thing so distrained shall be disposed of in the same manner as goods distrained for rent arrear are or may be disposed of.

Persons exempt from toll.

13. Exemption from the payment of toll at every bridge, ferry and turnpike road hereafter chartered, shall be granted to every regularly ordained or licensed minister of the gospel; to every member of the Legislature, going to or from its sittings; and all other persons going to and returning from divine service; and to every person travelling in the performance of any civil or military duty, for which he receives no salary or reward; and to every person whose duty it may be made by law to examine the said work, with not more than one servant, a carriage and two horses; and that all other exemptions heretofore granted, be repealed. In time of war or insurrection, troops, with their baggage, artillery and munitions of war, exclusively in the service of this State, shall pass every bridge, ferry and turnpike road, at one half of the established toll or ferriage.

One toll gate every 20 miles.

14. For every twenty miles of turnpike road completed, one toll gate may be established with the above rates of toll. Or for every ten miles of turnpike road completed, one toll gate may be established, with half the above rates of toll.

Width of turnpike roads.

15. The bed of every turnpike road shall not be less than thirty nor more than forty feet wide, exclusive of the ditches and grounds shaded with trees; except where the bed runs on the top of a causey, more than three feet high, or is cut more than three feet deep in the solid earth, in either of which cases, the bed of the road shall be not less than twenty-four feet wide. Every bridge on a turnpike road shall be as wide as the bed of the road, except where the bridge shall be more than twelve feet long, in which case it must be at least twenty-two feet wide, and shall have side railings at least three feet high, or parapet walls.

How graduated.

16. Every turnpike road shall be so graduated as that no part of it shall rise above the horizon in a greater angle than three degrees, or a rise of one foot in nineteen feet of horizontal extension.

Wheels with broad tires to pay less toll.

17. All carriages, the tires of whose wheels are more than four inches broad, shall be subject to a toll on all the turnpike roads in the State, less by twenty-five per cent. than the toll which carriages of the same description having narrower tires are subject to; and all carriages the tires of whose wheels are more than six inches broad, shall be subject to a toll on the said roads less by fifty per cent than the toll which carriages of the same description having tires less than four inches broad are subject to. The maximum of tolls established by the Act granting the charter of a turnpike road, shall always have reference to carriages with tires less than four inches broad.

How to proceed where bridges, &c., are situated in two or more road districts.

18. Where any bridge, ferry or turnpike road may be situated in two or more road districts, the charter shall declare the board of commissioners of roads to which it shall be subject; and in case the charter shall be silent in this respect, the grantee or grantees may name the board to which his, her or their work shall be subject; but when the choice is once made, it shall not be changed without the consent of the Legislature.

Commissioners to be appointed.

19. The proprietor or proprietors of each and every bridge, ferry or turnpike road, and the commissioners of the roads of the district to which the work is subject, shall appoint, immediately after the completion of the said work, and before any toll or ferriage is received thereat, and at the expiration of every three years thereafter, three persons who shall be commissioners of the said work; and where the above named parties do not agree, or whenever the Legislature shall by resolution or Act order a

new commission, the said commissioners shall be appointed by the Court of Common Pleas of the judicial district in which the whole or any part of the said work may be situated; but before such appointment shall be made, the Attorney-General or Solicitor of the Court shall have notice of the day on which application for such appointments will be made. And in case the proprietor or proprietors shall not apply for the appointment of commissioners, on or before the second day of the next term after such application to the Court shall become necessary, the Attorney-General or Solicitor of the Circuit shall make application to the Court for such appointment, which may be made without notice to the proprietor or proprietors.

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20. The commissioners of each and every bridge, ferry and turnpike road, shall have full power, in addition to the authority herein before given them, and they, or a majority of them, are hereby required, to examine the works for which they may be appointed; and in case they shall find the said work, or any part thereof, out of repair or not in good order for travelling or passing, or in any way difficult or dangerous to be travelled or passed, it shall be the duty of the said commissioners, or a majority of them, to make, and publish in the nearest Gazette, and to post up at all the places where tolls or ferriage are received, an order that the proprietor or proprietors shall not receive tolls for travelling over or passing the said bridge, ferry or turnpike road, as the case may be; and after the said order shall be made and posted up, as aforesaid, (whether published in the said Gazette or not,) and until the said order shall be repealed, each and every toll gate of the said work shall be kept open, and it shall not be lawful for the proprietor or proprietors thereof to receive any toll or ferriage for travelling or passing over the said work or any part thereof; and the proprietor or proprietors, keeper or keepers, of a ferry, during the continuance of such order respecting it, shall give the same attendance thereon, and convey all persons, horses, cattle and carriages over the same, as if no such order had been made. Whenever any member of the said commission may know, of his own observation, or be informed by the affidavit of any other person, taken before any magistrate, or any member of the said commission, (who for that purpose are hereby authorized to administer oaths) that the said works or any part thereof are out of repair or difficult or dangerous as aforesaid, he shall summon the other members to attend on the work complained of, and thereupon the said commissioners shall make or reject the said order, as the nature of the case may require; and it shall also be the duty of the said commissioners, on the written summons of the proprietor or proprietors, to attend and repeal the said order, whenever the cause for making the same may have been removed. Whenever the said commissioners may refuse to make or repeal such order, when they ought so to do, they may be compelled thereto by mandamus. No person shall be compelled to serve as a commissioner more than three years in any period of six years; and for refusing to serve when legally appointed, he shall be subject to the same penalty as may be imposed or now are imposed on commissioners of roads for the like refusal.

Work to be examined by them.

21. Each commissioner of each and every bridge, ferry and turnpike road, before entering on the duties of his office, shall take and subscribe an oath or affirmation, to the following effect: I, A B, one of the commissioners of the bridge, ferry or turnpike road, (as the case may be) do solemnly swear or affirm, that I will, to the best of my judgment and ability, faithfully and impartially discharge the duties required of me by law, as commissioner aforesaid."

Oath to be taken by them.

A. D. 1827.

Duration of
their office
may be altered.

22. Nothing in this Act contained shall be construed to deprive the Legislature of the right of passing, altering or repealing any Act or Acts, altering the duration of office of any of the said commissioners, or declaring any commission to cease and ordering a new one to be appointed, or imposing penalties for not keeping the said works in repair, or for enforcing due attendance at the same.

Applications
for charters,
how to be
made.

23. Every application to the Legislature to grant a charter for any bridge, ferry or turnpike road, shall be by petition, in which shall be set forth particularly the site on which it is to be constructed or kept, and shall be enumerated all the chartered bridges, ferries and turnpike roads within ten miles of any part of the work so intended to be constructed or kept; and in it shall be stated the public convenience which requires the grant; and the said petition, together with a notice that it is intended to present it to the next Legislature, shall be published in some Gazette, printed at the seat of government, or in the judicial district in which some part of the said work is intended to be constructed or kept, at least once in each month for the term of three months next preceding the month in which the Legislature to which the petition is intended to be presented, is to commence its session; and when any proprietor or proprietors of any chartered bridge, ferry or turnpike road, his, her or their agent, trustee or attorney, may give notice in writing to the petitioner, or any one of the petitioners, two months before the meeting of the Legislature, to which the petition is to be presented, that the grant will be opposed, and in the said notice shall state the grounds for such opposition; then and in that case, all the evidence for and against such grant, shall be taken on oath and in writing, before the commissioner of the court of equity, or clerk of the court of the district where is situated some part of the work so intended to be constructed or kept. But before any evidence shall be so taken, the party offering it shall give at least ten days notice to some one of the opposite party, of the time and place of taking such evidence; and whenever any such charter shall be granted without all the requisites of this clause being complied with, the said charter may be repealed by *scire facias*, at the suit of the proprietor or proprietors of any previously chartered bridge, ferry or turnpike road, any part of which may be situated within ten miles of any part of the bridge, ferry or turnpike road so illegally chartered. The provisions of this section shall not extend to any charter for a bridge, ferry or turnpike road, which may be granted or authorized during the present session of the Legislature.

Ferries may be
suppressed and
bridges erected

24. Whenever hereafter, any ferry may be chartered in pursuance of this Act, or any other principle, for a term of years, or in fee simple, and the public interest may require a bridge to be erected thereat, and that the ferry should be suppressed, the Legislature may erect the said bridge, or grant or authorize a charter for erecting the same, and suppress the said ferry, after the expiration of one year from the date of the Act declaring the suppression, on condition that the whole capital expended in making the road and landing to said ferry is paid to the proprietor or proprietors thereof, with 100 per cent advance thereon.

Lands may be
taken at a
valuation.

25. When by the authority of the State any lands are required to be surrendered by an individual to the State for any public works, civil or military, or to any individual or company of individuals, for the construction of any bridge, turnpike or other road, or keeping any ferry, and the same cannot, for want of agreement of the parties as to price, or for any other cause, be purchased from the owner or owners, the same may be taken at a valuation to be made by commissioners, or a majority of them, to be appointed by the court of common pleas of the district where any

part of the said land may be situated. And the said commissioners, before they act, shall severally take an oath before some justice of the peace, faithfully and impartially to discharge the duty assigned them. In making the said valuation, the commissioners shall take into consideration the loss or damage which may occur to the owner or owners, in consequence of the said land being taken, and also the benefit and advantage he, she or they may receive from the erection of the said works, and shall state particularly the nature and amount of each; and the excess of loss and damage over and above the benefit and advantage, together with the actual value of the soil taken or to be taken, shall form the measure of valuation of the said land. The proceedings of the said commissioners, accompanied by a full description and a plat of the said land, shall be returned, under the hands and seals of a majority of the commissioners, to the court from which the commission issued, there to remain of record. In case either party to the said proceedings shall appeal from the said valuation to the next session of the court granting the commission, and give notice to the opposite party thereof, the court shall order a new valuation to be made by a jury, who shall be immediately charged therewith, and their verdict shall be final and conclusive between the said parties, unless a new trial shall be granted by the court of appeals; and the land so valued by the commissioners or jury, shall vest in the State, or individual, or company of individuals, in fee simple, so soon as the valuation thereof may be paid, or, when refused, may be tendered.

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26. Where there shall be an appeal from the valuation of commissioners entered by either of the parties, the same shall not prevent the works intended to be constructed on the land, from proceeding; but where the appeal is made by the party requiring the surrender, he shall be at liberty to proceed in his work on the land, only on condition that he shall have given to the opposite party a bond, with good security, to be approved of by the clerk of the court where the valuation is returned, in a penalty equal to double the said valuation, and interest, in case the same is sustained, or in case it is reversed, for the payment of the valuation to be made by the jury and confirmed by the court.

How to proceed in cases of appeal.

27. The judges of the court of appeals, shall have power to make such rules for regulating the proceedings where appeals are made from the valuation of commissioners, as they may deem necessary to give effect to the provisions of this Act.

Judges to regulate proceedings in cases of appeal.

Clause III. *And be it further enacted* by the authority aforesaid, That the following provisions are established as law, in relation to the subjects embraced in them.

1. If any person shall wilfully or maliciously destroy, or in any manner hurt, damage, injure or obstruct, or shall wilfully and maliciously cause, or aid and assist, or counsel and advise any other person, to destroy, or in any manner to hurt, damage, injure or obstruct any turnpike road or bridge, now or hereafter to be constructed by the authority of the Legislature, or any causeway, culvert, drain, ditch, wall, embankment, toll house or toll gate, of any such turnpike road or bridge, the person so offending, on conviction thereof, shall be imprisoned not more than three nor less than one month, and pay a fine not exceeding five hundred dollars, nor less than twenty dollars, at the discretion of the court before which such conviction shall take place, and shall be further liable to pay all the expenses of repairing the same.

Penalty for injuring work.

2. If any person shall cause any obstruction to be placed on any turnpike road, causeway or bridge now constructed, or hereafter to be constructed, by the authority of the Legislature, so as to obstruct, or render dangerous

Penalty for obstructing roads, &c.

A. D. 1827.

or difficult the passage of carriages, or other travelling thereon, or shall obstruct, or in part or in whole fill up any drain, ditch or culvert, made for the purpose of conveying water over, under, from or alongside of any such turnpike road, causey or bridge, and shall not immediately remove such obstruction, when required so to do, he or she shall be deemed guilty of a nuisance, and on conviction thereof before a court of competent jurisdiction, shall pay a fine of not exceeding ten dollars, nor less than two dollars, and shall be further liable to pay the expenses of removing the said nuisance.

All travelling
to be on the
right of the
centre of the
road or bridge.

3. Every person, carriage, animal or other thing travelling or passing on or over any turnpike road, causey or bridge now constructed or hereafter to be constructed by the authority of the Legislature, shall keep entirely on the right of the centre of the said road, causey or bridge, so as not to obstruct the passage of any other person, carriage, animal or thing, on the other side of the centre thereof. And every person who shall drive, lead, or having charge thereof, shall permit any carriage, animal or other thing, to travel on such road, causey or bridge, contrary to this provision, shall, on conviction thereof before any court of competent jurisdiction, pay a fine not exceeding ten dollars, nor less than two dollars, and be further liable for all damages occasioned thereby: *provided*, that nothing herein contained shall be construed to repeal the thirteenth section of an Act entitled "An Act concerning the State roads, and for preserving and protecting the same."

How bridges
are to be pass-
ed.

4. No person shall drive, lead, or having charge thereof, shall permit any carriage, animal or other thing to travel over or on any bridge more than ten feet long, now constructed or hereafter to be constructed, by the authority of the Legislature, in a gait faster than a walk; nor shall any person having charge of any carriage, animal or thing, cause or permit it to stop on any such bridge. And every person so offending against this provision, shall, on conviction thereof before any court of competent jurisdiction, pay a fine not exceeding ten dollars, nor less than five dollars, and shall be further liable for all damages occasioned by such offence.

No fire to be
carried on a
bridge.

5. No person shall carry over, or otherwise have or place any fire on any wooden bridge, or bridge the superstructure whereof is of wood, now constructed, or hereafter to be constructed, by the authority of the Legislature; and every person so offending, shall, on conviction thereof before a court of competent jurisdiction, pay a fine not exceeding ten dollars nor less than two dollars, and shall be liable for all damages occasioned thereby.

No wooden
building to be
erected within
fifty feet of a
bridge.

6. No person shall erect, or cause to be erected, any wooden building, or other edifice not constructed of stone or brick, and not roofed with tile or slate, so as not to be fire proof, within fifty feet of the wooden part of any bridge which is more than fifty feet long, hereafter to be constructed by authority of the Legislature; and if any person shall attempt such building or edifice, he may be prohibited from proceeding therein by the court of chancery; or if the same shall have been erected contrary to this Act, the said court may order the same to be taken down and removed, and it shall be lawful for the proprietor or proprietors of the bridge, their officers or agents, to execute such order, under the direction of the sheriff of the district, or his lawful deputy.

No slave to
pass without a
permit.

7. No slave shall be permitted to pass over any bridge now erected or hereafter to be erected, or to pass the toll gate of any turnpike road now constructed or hereafter to be constructed, without a permit from his master, overseer or employer; and if any slave shall pass or attempt to pass such bridge or gate without such permit, he shall be regarded as a runaway, and may be committed to gaol as such.

8. No toll collector of any bridge or turnpike road now constructed or hereafter to be constructed by the authority of the Legislature, shall in any manner deal, trade, or traffic with any slave travelling on such road or bridge, nor sell nor give such slave any spirituous liquors, wine, cider or beer; and every toll collector so offending shall, on conviction thereof before a court of competent jurisdiction, pay a fine not exceeding ten dollars, nor less than five dollars; which conviction shall not exempt the collector so offending from the penalties of an Act entitled "An Act to increase the penalties which are now by law inflicted on persons who deal or trade with negro slaves, without a license or ticket from their master or owner, or other persons having charge of them," ratified the 18th December, 1817. A. D. 1827.
No toll keeper to traffic with a slave.

9. The proprietor or proprietors of every bridge or turnpike road now constructed, or hereafter to be constructed, by the authority of the Legislature, shall be liable to indictment at common law for not keeping their respective works in such condition as to answer the ends of their creation, in the same manner as if no provisions were contained in this Act to enforce them. Proprietors liable to indictment for not keeping up their works.

IV. *And be it further enacted*, That all the penalties which may be recovered for offences created by this Act, shall be paid one half to the informer, and the other half to the corporation, or individual or individuals owning the works respecting which the said offences shall have been committed. Penalties recovered how to be applied.

V. *And be it further enacted*, That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such, without special pleading. This Act a public Act.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT to alter and define the line between the 34th and 35th Regiments of the South Carolina Militia, and for other purposes. No. 2406.

(Passed November 24, 1827.* *See last volume.*)

AN ACT to amend an Act entitled "An Act to appoint a Board of Commissioners for the City of Charleston, with power and authority to declare in what cases the Streets, Lanes and Alleys of the City shall be widened, and to provide for carrying into execution the objects of the said Board; and for other purposes therein mentioned." No. 2407.

(Passed December 19, 1827. *See last volume.*)

* There are several Acts of this session of this date, which was the day of the commencement of the session. Of course it is an error.

A. D. 1827.

No. 2408. AN ACT REQUIRING THE SEVERAL CLERKS OF THE COURTS OF SESSIONS TO ISSUE ALL EXECUTIONS AND OTHER PROCESS OF THE SAID COURTS.

1. Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, it shall be the duty of the clerks of the courts of sessions to issue all executions, *scire facias*, and other process issuable or directed to be issued by the said courts; and that the said clerks, for the service aforesaid, be entitled to receive the fees provided by law for issuing the same.

In the Senate House, the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALI, *Speaker of the House of Representatives.*

No. 2409. AN ACT TO AMEND THE QUARANTINE REGULATIONS.

1. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, any vessel or vessels arriving in any of the ports of this State, having on board any person or persons laboring under the small pox, shall be subject to the regulations of quarantine hitherto prescribed by law for other contagious diseases.

In the Senate House, the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2410. AN ACT to enlarge the recruiting limits of the Winnsborough Light Infantry Volunteer Company.

(Passed December 19, 1827. *See last volume.*)

No. 2411. AN ACT to establish a Court of Equity for Williamsburgh district.

(Passed December 18, 1827. *See last volume.*)

A. D. 1827.


AN ACT TO INCREASE THE AMOUNT OF BONDS TO BE GIVEN BY CERTAIN SHERIFFS OF THIS STATE. No. 2412.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the several sheriffs hereafter elected for the districts hereafter mentioned, be, and they are hereby respectively, required, before they enter upon the duties of office, to give their bonds, to be approved of as now directed by law, in the following sums, to wit: The sheriff of Union district, in the sum of twenty thousand dollars; the sheriff of York district, in the sum of thirty thousand dollars; the sheriff of Chester district, in the sum of twenty thousand dollars; the sheriff of Lancaster district, in the sum of twelve thousand dollars; the sheriff of Charleston district, in the sum of fifty thousand dollars; the sheriff of Chesterfield district, in the sum of twelve thousand dollars; the sheriff of Greenville district, in the sum of ten thousand dollars; the sheriff of Marion district, in the sum of ten thousand dollars; the sheriff of Lexington district, in the sum of ten thousand dollars; the sheriff of Colleton district, in the sum of twenty thousand dollars; the sheriff of Laurens district, in the sum of twelve thousand dollars; the sheriff of Darlington district, in the sum of fifteen thousand dollars; the sheriff of Marlborough district, in the sum of ten thousand dollars; the sheriff of Georgetown district, in the sum of twenty-five thousand dollars; the sheriff of Sumter district, in the sum of thirty thousand dollars.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT to establish certain Roads, Bridges and Ferries. No. 2413.
(Passed December 19, 1827. *See last volume.*)

AN ACT to incorporate certain Societies. No. 2414.
(Passed December 19, 1827. *See last volume.*)

AN ACT to admit and incorporate private Stockholders in the Bank of the State of South Carolina. No. 2415.
(Passed December 19, 1827. *See last volume.*)

A. D. 1827.

**No. 2416. AN ACT TO PREVENT THE RECOVERY OF DEBTS CONTRACTED FOR
ARDENT SPIRITS SOLD UNDER A CERTAIN MEASURE.**

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of May next, the books of accounts of tavern keepers, shop keepers or retailers of spirituous liquors, shall not be admitted, allowed or received as evidence in any court having a right to try the same, of any debt contracted, or monies due, for spirituous liquors sold in less quantity than a quart.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND P'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

**No 2417. AN ACT to authorize the formation of a Company for constructing
Rail Roads or Canals from the City of Charleston to the Towns
of Columbia, Camden and Hamburg.**

(Passed December 19, 1827. *See last volume.*)

**No. 2418. AN ACT to repeal an Act entitled "An Act to allow two weeks for the
Session of the Courts of General Sessions and Common Pleas for
Newberry District, in October in each and every year; and for other
purposes therein mentioned."**

(Passed December 19, 1827. *See last volume.*)

**No. 2419. AN ACT TO AUTHORIZE THE WINYAW INDIGO SOCIETY TO REGULATE
THE AMOUNT OF, AND SECURITY TO, THE BOND OF THE ESCHEATOR
FOR PRINCE GEORGE WINYAW.**

I. Be it enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the Winyaw Indigo Society shall have power and authority hereafter to regulate, in such manner as they in their corporate capacity may deem meet, the amount for which the Escheator's bond shall be given, and the number of surities to be required, which said bond shall be given to and made

payable to the "President, Wardens and Members of the said Winyaw Indigo Society for the time being, and their successors in office." A. D. 1827.

In the Senate House, the twenty-fourth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE CLERKS OF COURTS TO GRANT ALL WRITS No. 2420.
OF DEDIMUS POSTATEM.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the clerks of the several courts of common pleas throughout this State are hereby authorized and required, on proper application, to grant all writs of *dedimus postatem*, for taking renunciations of dower, and releases of inheritance, from *femes covert*, or for the purpose of proving the execution of all deeds of conveyance, where such *femes covert* or persons so conveying, reside without the limits of this State, directed to certain commissioners, in the mode heretofore prescribed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE TOWN COUNCIL OF THE TOWN OF COLUMBIA TO ESTABLISH ONE OR MORE PUBLIC SCALES. No. 2421.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, That a public scale house, with proper scales and weights, for weighing cotton and other articles sold by weight, in all cases of disagreement between buyer and seller respecting the weight thereof, be established in each of the wards of the town of Columbia, by, and at the expense of the ward in which the same shall be erected, under the direction of the intendant and wardens; and in case the inhabitants of the wards shall fail to make provision for defraying the expense of erecting and furnishing such scale house and weights, within six months after the passing of this Act, the intendant and wardens are hereby authorized to erect and establish a public scale house with scales and weights, on the public square near the market.

Public scales to be established in each ward.

II. *And be it further enacted* by the authority aforesaid, That the said intendant and wardens be, and they are hereby, authorized to appoint a public weigher or weighers, who shall be sworn by the said intendant,

Public Weigher.

A. D. 1827.
 His duty. **Expense how defrayed.**
 Public scales the standard.

faithfully to perform the duties of the said office, and shall be removable by the intendant and wardens; and where reference is had to the said public scales, on the same day that the contract of sale is made, the certificate of the public weigher shall be conclusive evidence of the weight of the cotton or other article sold by weight, in any court of justice in which an action shall be pending touching the said scale; and the said intendant and wardens are hereby authorized to assess a sum, not exceeding five cents upon each bale of cotton, and a proportionate sum on other articles weighed, to be paid by the seller, to defray the expense of the said scale house, which shall be under their exclusive control.

III. *And be it further enacted* by the authority aforesaid, That the public scales and weights established in pursuance of this Act, shall be the standard to which all others in the said town shall conform; and if any person shall use, in weighing any article whatsoever, sold in the said town, weights and scales differing from the said standard, such person, on conviction in the court of sessions, shall be fined and imprisoned at the discretion of the court.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2422. AN ACT to alter the time of holding the October term of the City Court of Charleston.

(Passed December 19, 1827. See last volume.)

No. 2423. AN ACT REGULATING THE MODE IN WHICH RANGING TIMBER AND SAWED LUMBER, SOLD IN MARKET, SHALL BE MEASURED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of May next, all ranging timber and sawed lumber, sold in market in this State, shall be sold by superficial measurement, except the contract expressly stipulates for some other mode.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

A. D. 1827.

AN ACT TO PROVIDE FOR THE REPAIRING OF COURT HOUSES AND
JAILS IN THIS STATE. No. 2424.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, seven commissioners shall be appointed by a joint resolution of both branches of the Legislature, for each circuit court district in this State, whose duty it shall be to keep in repair and superintend the court houses and jails of their respective districts; and if any person so appointed shall refuse to act, or neglect to perform the duty of a commissioner, he shall forfeit a sum not exceeding fifty dollars, to be recovered by indictment; and the money so forfeited shall be paid to the acting commissioners for such district, to be applied by them in repairing the court house and jail of the district for which such person shall have been appointed. ^{Commissioners to be appointed.}

II. *And be it further enacted* by the authority aforesaid, That each board of commissioners shall be appointed to serve for four years, and until the appointment of a new board be made, and shall have power to fill all vacancies in their number, occasioned by death, resignation, removal from the district, or refusal of any person appointed to serve; and the person so elected shall have all the powers, and be subject to all the penalties, provided for in the first clause of this Act; but no person elected or appointed shall be compelled to serve more than four years in succession. ^{To serve four years.}

III. *And be it further enacted* by the authority aforesaid, That the said commissioners shall meet and form a board within their respective circuit court districts, at such time and place as a majority of them shall appoint, and shall have power to appoint a chairman and all necessary officers; and the said commissioners, or a majority of them, shall have full power and authority, as often as they may think necessary, to assess, levy and collect, in the same manner and to the same extent as commissioners of the poor are now authorized by law, all such sums of money as may be necessary for repairing the court house and jail of their respective circuit court districts; and it shall be the duty of each board of commissioners annually to report, to the Comptroller-general, the sums of money so assessed and levied by them for the purposes aforesaid. ^{To meet at the court houses.}

IV. *And be it further enacted* by the authority aforesaid, That all fines and forfeitures incurred and imposed in any court of sessions for any circuit court district in this State, shall be paid to the commissioners of public buildings for such district, to be applied in aid of their assessments for the purposes aforesaid: *provided*, that nothing in this clause contained shall be construed to interfere with the right of any informer, where the whole or any part of any fine or forfeiture is given to him or her, by any Act heretofore passed. ^{Fines to be paid to them}

V. *And be it further enacted* by the authority aforesaid, That nothing herein contained shall affect any appropriation for public buildings, made at this or any previous session of the Legislature. ^{Not to affect former appropriations.}

VI. *And be it enacted* by the authority aforesaid, That if any person or persons shall wilfully injure or destroy any part of any court house or jail in this State, or the enclosures of the same, or any part thereof, such person or persons shall be liable to be indicted for such offence, and upon conviction be fined or imprisoned at the discretion of the court. ^{Penalty for injuring a court house or jail.}

A. D. 1827.

Buildings on
city square.

VII. *And be it further enacted*, That the public buildings in Charleston, at the north-west corner of the city square, shall be in like manner under the charge of the same board of commissioners, to the same extent and in like manner as the court houses and jails above mentioned.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2425.

AN ACT TO CARRY INTO OPERATION THE LUNATIC ASYLUM.

Regents to be
elected.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That there shall be elected by both branches of the Legislature, nine Regents of the Lunatic Asylum, who shall hold their offices for six years from the day of election, except those who shall be first elected, who shall go out of office according to a ballot to be drawn by the Speaker of the House and President of the Senate, and reported to the Legislature, in the following order, viz: The three Regents whose names are first drawn, shall go out of office at the end of two years from the day of election; the three Regents whose names shall be next drawn, shall go out of office at the end of four years from the day of election; and the remaining Regents shall go out of office at the end of six years from the day of election. The Regents shall be re-eligible. A vacancy in the Regency shall be filled by the other Regents till the next regular Legislative election.

To be a body
corporate.

The said Regents, by the name of "The Regency of the Lunatic Asylum of South Carolina," shall form a body corporate in deed and in law, for all the purposes of the said institution, with all the powers incident to corporations; and they shall be, and they are hereby, authorized and empowered to make and establish all rules, regulations and by-laws for the government of the institution; which, when made, shall be reported to the next Legislature for their approval or rejection; but until rejected by the Legislature, shall be in force; to appoint a keeper, and all officers and medical attendants of the institution, which by the said rules shall be provided for, and to remove them from office at their pleasure, and to fix the amount of the salary or emoluments of such keeper, officers or medical attendants. To establish the rate of admission, maintenance and medical attendance of all the subjects of the said institution, providing such rates as shall support the institution without any charge on the treasury of the State; and to expend any surplus income which may be derived from the institution in the two first years in improving the grounds of the Asylum.

To establish
rates of admission,
&c.Who to be
admitted.

It shall be the duty of the Regency to admit as subjects of the institution all idiots, lunatics and epileptics, being citizens of this State, according to the following regulations, and subject to the following conditions, that is to say:

Inquisition to
be made by
courts.

All persons who shall be found idiots or lunatics, by inquisition from the courts of chancery, or on trials in courts of common law, where the court shall order such admission, or where it shall be requested under the

hand of the husband or wife, or (where there is no husband or wife,) of the next of kin of the idiot or lunatic. A. D. 1827.

All persons who shall be declared lunatics, idiots or epileptics, after due examination by one justice of the quorum and two licensed practising physicians of the State. Where the subject is a pauper, the admission shall be at the request of the commissioners of the poor of the district, town or parish liable to support such pauper; otherwise, the admission shall be at the request of the husband or wife, or, where there is no husband or wife, of the next of kin of the idiot, lunatic or epileptic. Examination by Justices and Physicians.

All idiots and lunatics from any of our sister States shall be admitted, on such evidence of their lunacy or idiocy as the Regents regard sufficient; but no foreign lunatic or idiot shall be admitted or kept in the institution, to the exclusion of subjects being citizens of this State—they shall pay the same rates as citizen subjects. Idiots from other States to be admitted.

No lunatic, idiot or epileptic, who are declared fit subjects of the institution, by a justice of the quorum and two physicians, or who shall be sent from a sister State, shall be retained in the institution more than ten days after his admission, except where there shall be entered in the records of the institution an order for his retention, made, after full examination of his state of mind, by the medical attendant or attendants, and not less than three of the Regents; and upon such order being made, it shall be the duty of the secretary of the Regency to make out a certified copy of the declaration of the justice and physicians, and of the order of retention, and immediately send the same to one of the Chancellors of the State, or to one of the Judges of the courts of common law, who shall, thereupon, either in open court, or at chambers, make such order in relation to the custody of the estate of the said subject, as would have been made, had the proceedings been under a writ *de lunatico inquirendo*. How long to be retained.

No subject shall be admitted into the institution until one half year's expense of maintenance and medical attendance there, shall be paid to the treasurer of the Regency; and a bond and good security shall be given to pay the said expenses half yearly in advance, so long as the subject remains in the institution, and to pay all funeral charges in case of his death; but such bond shall not be required of the commissioners of the poor sending a subject to the institution. Terms of admission.

In case the half yearly advances are not paid, the bond shall be immediately put in suit, and no imparlance thereto shall be allowed; and in case commissioners of the poor neglect to pay such advance, the Comptroller-general shall issue his warrant to the tax collector of the district or parish liable to pay the same, requiring him immediately to collect the same, with five per cent. advance thereon, for his commission, from the taxable inhabitants of the district, town or parish liable to support such pauper, on the principles of the general tax of the State. Bond to be put in suit.

II. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the said Regents to remove from office, and cause to be indicted, any person employed in the said institution, who shall assault any idiot, lunatic or epileptic, or use towards any such idiot, lunatic or epileptic, any other or greater violence than may be necessary for his or her restraint, government or cure. Persons employed may be removed.

III. *And be it further enacted* by the authority aforesaid, That whenever any lunatic or epileptic shall have recovered, it shall be the duty of the Regents to discharge him or her from the Asylum. Lunatics cured may be discharged.

IV. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the Regents, hereby directed to be appointed, to report

A. D. 1827.

Regents to
report to the
Legislature.

Chancellor or
Judge may di-
rect enquiry to
be made.

Justice may
call Physicians
to his aid.

annually to the Legislature the state and condition of the institution, fully and particularly; and they shall also annually report to the Comptroller-general the amount of income of said institution, and the amount of expenditures, and the items thereof.

Whenever a Chancellor or Judge of the court of common pleas shall direct an order to any justice of the quorum, to enquire as to the idiocy, lunacy or epilepsy of any person, it shall be the duty of such justice to call to his assistance two licensed practising physicians, and examine such person, and the evidence of his or her idiocy, lunacy or epilepsy; and if, after full examination, they shall find such person an idiot, lunatic or epileptic, they shall certify to the said Judge or Chancellor whether in their opinion such person is curable or incurable, and whether his enlargement would be harmless or dangerous or annoying to the community; and thereupon, the judge or chancellor, in his discretion, may make an order that the said person shall be sent to the Lunatic Asylum.

When information, on oath, shall be given to any justice of the quorum, that a person is an idiot, lunatic or epileptic, and is chargeable for his support on the district, town or parish, it shall be the duty of such justice forthwith to call to his assistance two licensed practising physicians, and examine the said person, and the evidence of his or her idiocy, lunacy or epilepsy; and if they shall find such person an idiot, lunatic or epileptic, it shall be the duty of the commissioners of the poor of the district, town, or parish, charged with his or her support, to send him or her to the Lunatic Asylum; unless the said justice and physicians shall certify that, in their opinion, he or she is incurable, and that no danger, annoyance or disturbance will result to the community by his or her not being confined in the Asylum.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2426. AN ACT TO PREVENT THE FREQUENT RENEWAL OF EXECUTIONS; AND FOR OTHER PURPOSES.

Executions,
how returna-
ble.

To run for 4
years, and after
may be renew-
ed within 3.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of June next, every writ of *feri facias*, *capias ad satisfaciendum*, attachment to compel performance of a decree in equity, or other final process, which shall be sued out of or from any of the courts of law or equity in this State, originally or by renewal, instead of being returnable at a day fixed, shall be made returnable in the words "according to law;" and shall, without renewal, have active energy, to all intents and purposes, for levy, sale, arrest or other execution, as in the exigency thereof required, from the time it shall first be lodged, until the regular term of the court, from which it was sued, which shall follow next after the full completion of four years from its lodgement; and for the renewal of the same, at any time during the continuance of its active energy as aforesaid, no costs shall be taxed or allow-

ed; but at any time within three years after the expiration of its active energy as aforesaid, the same may be renewed with the usual costs; and whenever renewed, shall be again subject to the rules herein provided.

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II. *And be it further enacted*, That the sheriff, coroner, or other officer, with whom final process as aforesaid, shall, after the first day of June next, be lodged, shall at each regular term of the court from which the said process was sued out, during the continuance of its active energy as herein provided, until full execution thereof be returned, or until the process be withdrawn from him, as hereinafter provided, be held and bound to make return, as if the said process had been made returnable to the term succeeding its first lodgement, and renewed after each subsequent regular term. If he shall have fully executed, he shall return the process, with the manner of its execution; if he shall have partially executed, he shall return, on oath, to the clerk or register in equity, (as the case may be,) a statement in writing, under his hand, of such partial execution, with the reason of his failure as to the remainder. If he shall have wholly failed to make execution, he shall return, on oath, a statement in writing, under his hand, of his failure, with the reasons. And in any event, on the first day of the term at which the active energy of the process shall cease as herein provided, he shall return the process, if the same shall not have been before returned as fully executed, or withdrawn from him: And the returns of the said officer, made as aforesaid, shall, for the fixing of bail and all other purposes, have the same legal effect as if the said process had been made returnable to the term succeeding its first lodgement, and renewed after each subsequent regular term.

Returns to be made by Sheriff or Coroner, as if the execution was returnable to each term.

III. *And be it further enacted*, That if any person having a right to control final process, shall desire to withdraw it from the hands of the sheriff or other officer, as aforesaid, the said sheriff or other officer shall be bound, after three days notice from such person, to return the process at any time during the continuance of its active energy; and the same may, if not fully executed, be again lodged in the same or any other district, at any period during the continuance of its active energy as aforesaid; and when so lodged, shall, during that time, be again subject to the rules herein provided.

Process may be withdrawn from Sheriff.

IV. *And be it further enacted*, That for failure or neglect to make any of the returns above mentioned, the sheriff or other officer as aforesaid, shall be subject to rule, attachment, action, penalty, and all other consequences, as heretofore provided for the sheriff's neglect to return an execution; and for false return, failure to execute, or other neglect of duty, such officer shall be liable as the sheriff has heretofore been, by law, liable in such cases.

Penalty for not making return.

V. *And be it further enacted*, That for sufficient reasons shewn to him, why the coroner cannot or should not be employed, or on satisfactory evidence that the office of coroner is vacant, or that the coroner will not act, any judge of the circuit court, any chancellor, or any one of the judges of the court of appeals, in open court or at chambers, may, at the instance and risk of any person having a right to control such process, appoint a suitable person to serve or execute any writ or process, mesne or final, sued or to be sued from any court of law or equity in this State, against any sheriff; and such person having accepted the appointment, shall be entitled to receive the said process from the coroner, or other person having the possession of it; and, as to the said process, shall be considered the coroner, and be vested with all the rights and powers, and liable to all the duties, of the coroner.

Court may appoint a person to execute any writ or process.

VI. *And be it enacted* by the authority aforesaid, That so much of the

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Repealing
clause.

Act of Assembly, passed Anno Domini one thousand seven hundred and twenty, as prohibits execution from being granted on actions commenced by copy writ left at defendant's residence until thirty days after judgment signed, shall be, and the same is hereby, repealed.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALI, *Speaker of the House of Representatives.*

No. 2427. AN ACT TO INCORPORATE THE TOWN OF HAMBURG, AND FOR OTHER PURPOSES.

Hamburg in-
corporated.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all persons, citizens of the United States, having resided three months in the said town of Hamburg, shall be deemed, and are hereby declared to be, a body politic and corporate; and the said town shall hereafter be deemed, and is hereby declared to be, a town corporate, and shall be called and known by the name of the town of Hamburg; that the corporate limits of the said town shall include all the territory contained within the following limits, viz: the western side of the Savannah river shall be the line, for a half mile below and a half mile above the intersection of Mechanic and Market streets; the eastern line shall be one mile in length, extending from the point where Mechanic street produced in a straight direction for one mile will terminate, a half mile in each direction perpendicular to the said street so produced; the northern line shall be a straight line from the northern point of the western to the northern point of the eastern line; the southern line shall be a straight line from the southern point of the eastern to the southern point of the western.

Commissioners
appointed.

II. *And be it further enacted* by the authority aforesaid, That Col. B. F. Whitner and Col. P. Fitzsimons be appointed commissioners to ascertain the corporate limits of the said town, and that they return a plat thereof to the office of the Secretary of State.

To be govern-
ed by an Inten-
dant and six
Wardens.

III. *And be it further enacted* by the authority aforesaid, That an election for an intendant and six wardens shall be held on the second Monday in March next, and that B. M. Rogers, R. McDonald, and Samuel Watt, or any two of them, be managers thereof; and on the second Monday in March, in every year thereafter, at some convenient public place, in the said town of Hamburg; and that every free white male inhabitant of said town of Hamburg, being a citizen of this State, of the age of twenty-one years and upwards, and who has resided six months immediately preceding the election within the town of Hamburg, or has at the time of the election a freehold within the same, shall be entitled to vote for the said intendant and wardens, who shall be residents and freeholders in the said town.

Ten days no-
tice to be given
of election for
Intendant and
Wardens.

IV. *And be it further enacted* by the authority aforesaid, That the intendant and wardens for the time being, shall give ten days public notice of such election as aforesaid, and appoint a place for holding it, and proper persons for managing and conducting the same; and the said managers,

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after the election is closed, shall make a return to the intendant for the time being, of the persons chosen as intendant and wardens for the ensuing year; and the said intendant for the time being, shall give immediate notice to the several persons elected, of their respective election; and when and as soon after as the said intendant and wardens shall be elected as aforesaid, and before entering upon the discharge of the duties of his or their office, he or they shall respectively take the oath prescribed by the constitution of this State, and the following oath or affirmation, viz: "As Intendant or Wardens of the town of Hamburg, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to carry into effect the purposes for which I have been appointed. So help me God." And the official powers of the intendant and wardens for the time being, shall not cease and determine until the oaths of qualification shall have been taken by a quorum of their successors in office.

V. *And be it further enacted* by the authority aforesaid, That in case of the death of the intendant, his resignation, refusal to serve, removal from office, or absence from the State, or in case of any irregularity in, or failure, of the election, the wardens shall thereupon appoint a time for choosing another, and give ten days public notice of the same; and in case of the death, resignation, refusal to serve, removal from office, absence from the State, or irregularity in, or failure of, the election of any of the wardens, the intendant shall give the like notice of an election, for the purpose of filling such vacancy; and if any person, on being elected intendant, shall refuse to act as such, he shall forfeit and pay to the Town Council, for the use of the said town, the sum of thirty dollars; and if any person on being elected warden, shall refuse to act as such, he shall forfeit and pay to the Town Council, for the use of the said town, the sum of twenty dollars; *provided*, that no person who has attained the age of sixty years, shall be compelled to serve in either of the said offices, nor shall any other person be compelled to serve more than any one year in any term of three years; *and provided also*, that no person shall be re-eligible to either of the said offices oftener than three successive years in any term of five years.

Vacancies,
how to be filled.

VI. *And be it further enacted* by the authority aforesaid, That the intendant shall and may, as often as occasion may require, summon the wardens to meet together, any two of whom, with the intendant, shall constitute a quorum to transact business; and they, with the intendant, shall be known by the name of, and are hereby declared to be, the Town Council of the Town of Hamburg; and they and their successors hereafter to be elected, may have a common seal, and may purchase, have, hold, possess, receive, enjoy and retain to them and their successors, in perpetuity or for any term of years, any estate or estates, real or personal, of what nature or kind soever, not exceeding the sum of fifty thousand dollars, and may sell, alien, exchange or lease the same or any part thereof, as they may think proper; and, by the same name, may sue and be sued, plead or be impleaded, answer or be answered unto, in any court of law or equity in this State.

May have a
common seal,
hold property,
&c.

VII. *And be it further enacted* by the authority aforesaid, That the Town Council shall have full power and authority to make and establish, and, when they see fit, to alter, all such rules, by-laws and ordinances, respecting the streets, lanes and alleys, public buildings, markets, weights and measures, the assizes, prices, and inspection of bread, the cording and measuring of fire wood, public houses, billiard tables, retailers of spirituous liquors, pumps, fire engines and buckets, disorderly places and free people

Power and du-
ty of the Town
Council.

A. D. 1827.

of color; and, in general, every other by-law and regulation that shall appear to them requisite and necessary for the health, security, good government and welfare of said town; *provided*, that nothing herein contained shall authorize the said town council to make any by-laws inconsistent with or repugnant to the laws of the land; and that all by-laws and regulations which they may make shall at all times be subject to the revisal or repeal of the Legislature.

VIII. *And be it further enacted* by the authority aforesaid, That the intendand and each of the wardens for the time being, shall be vested with all the powers and authority with which, by the laws of this State, justices of the peace are vested, and shall and may exercise the same in every part of the said town.

To be justices
of the peace ex
officio.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2428. AN ACT FOR THE BETTER ADMINISTRATION OF JUSTICE IN THE TRIAL OF CAUSES SMALL AND MEAN, WITHIN THE PARISHES OF ST. PHILIP'S AND ST. MICHAEL'S; AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, eight justices of the quorum shall be appointed for the parishes of Saint Philip's and Saint Michael's, by joint resolution of both branches of the Legislature, who shall continue in office four years, and until a new appointment shall be made by the Legislature, to whom shall be assigned exclusive jurisdiction in all small and mean causes within the same; *provided*, that six of the said magistrates shall always be residents in the city of Charleston, and the other two, residents of other parts of the said parishes.

Eight Justices
to be appoint-
ed.

II. *And be it further enacted* by the authority aforesaid, That the civil jurisdiction of the said magistrates shall extend, throughout the parishes of Saint Philip's and Saint Michael's, to the trial of causes small and mean; to all matters of debt or other demand arising from contract, to the amount of twenty dollars; to cases of domestic attachment; and to all the powers, rights and authority in civil cases, now exercised by justices of the quorum under the existing laws of this State; and in all criminal cases, their jurisdiction shall extend to the conservation of the peace, and to the exercise of all the duties, powers, rights, and authority heretofore vested by law in justices of the quorum.

Their jurisdic-
tion.

III. *And be it further enacted* by the authority aforesaid, That in the trial of causes small and mean, any one of the said magistrates shall summon the defendant or defendants before him, to answer to the plaintiff's demand, but no trial shall take place until after the expiration of one day from the time of service of the summons; and the said magistrate or magistrates shall have the same powers and authority to summon witnesses, and enforce their attendance, as are now exercised by law. In the trial of such

Manner of try-
ing causes.

causes, the oath of the plaintiff shall be sufficient evidence of the debt, unless the defendant will deny, on oath, the justice of the demand, in which case the demand shall be established by disinterested testimony; if judgment be rendered against the defendant or defendants, the magistrate before whom the cause is tried shall have power to issue execution against the property of the debtor or debtors, to enforce the payment thereof, unless the defendant or defendants shall, within one day after the rendition of such judgment, give notice in writing to the said magistrate and plaintiff of an appeal, and comply with the existing requisites of the law in relation to appeals, in which case the execution shall be suspended until the appeal be decided.

A. D. 1827.

IV. *And be it further enacted*, That all appeals from such of the magistrates as reside within the city, shall be made to the Recorder of the city of Charleston, and all appeals from such of the magistrates as reside without the city, shall be made to the court of common pleas for the district.

Appeals may
made to the
Recorder.

V. *And be it further enacted*, That in case of the death, resignation, absence from the State, removal from office, or other disability of any of the said magistrates, the Governor shall have the power of filling up such vacancy, until another appointment by the Legislature.

Vacancies,
how to be filled

VI. *And be it further enacted*, That each of the said magistrates shall keep in his respective office two separate books of record, wherein he shall record all his proceedings, in such civil and criminal cases as may be brought before him, which books at the expiration of his term of office shall be deposited in the office of the clerk of the court of common pleas of Charleston district.

Books of Re-
cord to be kept.

VII. *And be it further enacted*, That the Coroner of the parishes of Saint Philip and Saint Michael, shall be, and he is hereby, empowered to serve and execute all writs and other process of court directed unto him against the city sheriff; and also, in all cases wherein the said sheriff is plaintiff, against whom such writ or other process is directed; and the said Coroner shall have the same fees for serving writs or other process in civil cases, as are allowed by law to the said city sheriff.

Process
against the city
sheriff to be
served by the
Coroner.

VIII. *And be it further enacted*, That whenever the appeal made to the court of common pleas or to the Recorder shall be dismissed, it shall be the duty of the magistrate who tried the cause, to issue execution and levy upon the goods and chattles of the defendant, for the satisfaction of the debt.

Executions to
be issued.

IX. *And be it further enacted* by the authority aforesaid, That no warrant of distress for rent, where the same shall not exceed twenty dollars, shall issue within the parishes of Saint Philip and Saint Michael, without an affidavit of the amount due, as in cases of bail, nor be executed by any other person than one of the magistrates appointed under this Act, or his agent; and that all chattles levied on under a distress warrant shall be sold, by the authority and under the direction of the said magistrate, who shall be answerable to the landlord and tenant for a fair account and payment of the proceeds of the sale, according to their respective rights, after deducting the fees allowed by law in other cases to the constable.

Rent, how to
be collected.

X. *And be it further enacted* by the authority aforesaid, That in all cases of distress for rent as aforesaid, it shall be the duty of the magistrate, if required by the tenant so to do, to summon the landlord before him to prove his debt, as in other cases, at some time within five days from the time of the levy, and the goods so levied on shall be liable to satisfy the costs of the suits, if his decree shall be in favor of the landlord; but if the decree shall be for the tenant, the goods and chattles shall be re-delivered

Debt due for
rent to be
proved.

A.D. 1837.

to him, and the magistrate shall issue his warrant against the landlord, for the satisfaction of the costs of suit, as in other cases; *provided always*, that either party may appeal to the Recorder of the city or Judge of the court of common please, as in the cases already provided for, the appellant giving good security for the payment of the costs of appeal.

Cause to be
tried in open
court.

XI. *Be it further enacted*, by the authority aforesaid, That the trial of all small and mean causes within the city of Charleston, shall be in open court, and for this purpose a magistrate's court shall be held at the City Hall, or at such place as the city council shall from time to time appoint, each day in the week, (Sundays excepted;) that one of the said six magistrates, as may be arranged among themselves, shall hold the said court, and that no trial, either in civil or criminal cases, shall be held by any of the said six magistrates at any other place.

Persons of
color, how to
be tried.

XII. *And be it further enacted*, That all persons of color, who may hereafter be liable to trial, within the parishes of Saint Philip and Saint Michael, shall be prosecuted only before one or more of the magistrates appointed under this Act, and freeholders to be summoned by them.

Repealing
clause.

XIII. *And be it further enacted*, That from and after the passing of this Act, so much of the former Acts of Assembly repugnant hereto, as authorizes justices of the peace and quorum to try causes small and mean, and issue domestic attachments within the parishes of Saint Philip and Saint Michael, be, and the same are hereby, repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2429. AN ACT CONCERNING THE LUDLAM SCHOOL FUND, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Part of former
Act repealed.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of the Act of the General Assembly of this State, entitled "An Act to incorporate the vestry of the parish of Saint James Goose Creek, Berkley county, and to enable the said vestry effectually to put in execution the trust reposed in the Society for propagating the gospel in foreign parts, by the last will and testament of the Rev'd. Richard Ludlam, deceased, according to the pious intentions of the said testator, and to settle the accounts of the Rev'd. James Harrison," as requires the vestry of the Episcopal Church of the parish of Saint James Goose Creek, to appropriate the interest arising from the fund called the Ludlam school fund, to the "maintenance" of the poor children of the parish above named, be, and the same is hereby, repealed.

How funds to
be vested.

II. *And be it further enacted* by the authority aforesaid, That the vestry of the parish aforesaid, are hereby required to vest the fund arising, and which may have arisen, under the will of the Rev'd. Richard Ludlam, deceased, in the stock of some one of the Banks of the city of Charleston, giving a dividend in the name of the Ludlam school fund stock.

III. *And be it further enacted* by the authority aforesaid, That the

vestry aforesaid be, and they are hereby, required to advertise, giving a sufficient notice, at at least three public places in the said parish, and sell to the highest bidder, on a reasonable credit, all that parcel or tract of land and school house, near Goose Creek bridge, belonging to the said trust estate of the said Richard Ludlam, deceased; and on compliance by the purchaser with the terms of sale, the said vestry shall make, execute and deliver to the said purchaser, a title in fee simple to the said lands. A. D. 1827.

IV. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the said vestry to proceed and collect all such debts of every description as may be due and owing to the said trust estate, if any; and that when the proceeds of the sale of said lands, and the debts due to the said estate, shall be received by the said vestry, they shall be, and are hereby, required to vest the same, with the principal stock, in some one of the Banks in the city of Charleston, in the manner above directed. Lands to be sold.

V. *And be it further enacted* by the authority aforesaid, That the annual interest arising from the monies vested as aforesaid, shall be appropriated, under the direction of the said vestry, to the instruction and education of the poor children of the said parish, upon the principles and conditions of the free school system of this State; and it shall be the duty of the said vestry to report to the Legislature, annually, the state of the fund, what interest it yields, and in what manner the same shall have been expended, together with the number of poor children educated thereon. Proceeds to be vested.

VI. *And be it enacted* by the authority aforesaid, That all Acts and parts of Acts repugnant to this Act, be, and the same are hereby, repealed. Vestry to apply interest to education of poor children, and report annually to the Legislature.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT TO REGULATE FENCES.

No. 2430.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all fences closely and strongly made of rails, boards or posts and rails, or of an embankment of earth capped with rails or timber of any sort, or live hedges five feet in height, measured from the level or surface of the earth, shall be taken and deemed to be lawful fences; and every planter shall be bound to keep such lawful fence around his cultivated grounds, except where some navigable stream or deep water course shall be a boundary of such cultivated grounds, in which case, such navigable stream or water course, shall be deemed a sufficient fence; *provided always*, that before he avails himself of the provisions of this Act, he shall apply to a magistrate of the district or parish, who shall, from the names of seven freeholders of the vicinage, draw by lot three, who are hereby required to view the premises, and pronounce upon the sufficiency of the said water as an inclosure, according to the true intent and meaning of this Act. Fences, how to be made.

II. *And be it further enacted* by the authority aforesaid, That if any

A. D. 1827. horses, mules, cattle, hogs, sheep or goats, shall break into any field, in which shall be growing or ungathered any grain, cotton or vegetable production, raised for market or domestic consumption, the said field being inclosed with a lawful fence according to the provisions of this Act, it shall be lawful for the owner of such field to seize such horses, mules, cattle, hogs, sheep or goats, and to keep them in confinement until he shall have notified, within twenty-four hours after such seizure, the owner, or his or her agent or overseer, who shall be bound to pay to the owner of such field, fifty cents per head for every horse or mule, and twenty-five cents per head for every head of cattle, hogs, sheep or goats, before he or she shall be entitled to have such horse, mule, cattle, hogs, sheep or goats delivered up to him or her; and for the second breaking of the fields of the same person, by the horses, mules, cattle, hogs, sheep or goats of the same owner, within one month after the first breaking and entering, the owner of such horses, mules, cattle, hogs, sheep or goats, shall be liable to the person injured, for all damages which he or she may have sustained thereby, in addition to the fine aforesaid, to be recovered by action of trespass in the court of common pleas; and in every such case the plaintiff shall be entitled to his full costs, if the verdict or decree shall exceed four dollars; but if it should appear that the fence inclosing such field is not a lawful fence, then the verdict shall be for the defendant.

Horses, &c. breaking in, may be seized.

Fine.

Second breaking.

Damages recoverable.

III. *And be it further enacted* by the authority aforesaid, That if any person whose fields are not enclosed by a lawful fence, shall kill, wound, maim, chace, worry, or in any manner injure, any horses, mules, cattle, hogs, sheep or goats, which shall be found in such field, whether cultivated or not, or shall cause or procure the same to be done by any other person, whether a slave or freeman, such person so offending shall be liable to an action of trespass, and the plaintiff shall recover full satisfaction for the injury, with costs, if the verdict exceed four dollars.

Penalty for injuring animals, where a fence is not lawful.

IV. *And be it further enacted* by the authority aforesaid, That if any slave shall hereafter kill, maim, wound or injure, any horse, mule, cattle, hog, sheep or goat, not belonging to his owner, in any cultivated or uncultivated field, not enclosed by a lawful fence, he or she shall be liable to be apprehended, and on conviction by a magistrate and two freeholders, shall be punished by whipping, not exceeding thirty-nine lashes.

Penalty on a slave for a like offence.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2431. AN ACT TO REGULATE THE FEES OF THE OFFICERS OF THE COURTS OF LAW AND EQUITY IN THIS STATE; AND FOR OTHER PURPOSES THEREIN MENTIONED.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, That every officer hereinafter named shall charge and receive for the discharge of the various duties of his office, the fees hereinafter particularly recited, and no others; and that for all services not hereinafter specifically recited, the said officers shall not be intitled to any fee, but

Fees of certain officers limited.

the said services so omitted in this Act, shall be taken and understood as incidental to others for which fees are charged. A. D. 1827.

II. *Be it further enacted*, That all Acts or parts of Acts, in relation to fees of any of the officers hereinafter named, be, and the same are hereby, New fee bill. repealed; and that this Act shall be taken and considered as the only Act in force in relation to the fees of the officers hereinafter recited.

Attorneys in the Superior Courts of Law.

Plaintiff's or Defendant's Attorney, for rule on Sheriff or other officer of the Court, three dollars. Attorneys's fees.

Issuing writ of attachment for contempt, three dollars.

Plaintiff's Attorney, for issuing every writ and other incidental charges to filing declaration, four dollars.

For filing declaration, posting rules, and all incidental charges before entering up judgment, four dollars.

For entering up judgment, issuing execution, and all incidental charges whatever, inclusive, three dollars.

Where special bail is required, one dollar.

For every subpoena writ and ticket, one dollar.

For every renewal of execution, one dollar.

For every demurrer or joinder in demurrer, three dollars.

For every motion for a new trial in arrest of judgment, or special matter and argument on trial in Circuit, or in the Court of Appeals, five dollars.

For every rule to shew cause, two dollars.

For every commission to examine witnesses, or filing cross interrogatories, eight dollars.

For every appeal from a Magistrate, two dollars.

For commencing, defending and prosecuting every case in summary process, where the amount sued for does not exceed fifty dollars, two dollars.

In all cases exceeding fifty dollars, four dollars; the two last, exclusive of subpoena writs and commissions, and inclusive of all other charges.

For all proceedings in dower, from beginning to end, twenty dollars.

For cases of attachment, in addition to common costs, ten dollars.

For every bill of exceptions tendered to a Judge to sign, five dollars.

To the Jury in each case tried, one dollar.

Defendant's Attorney.

For appearance, and all services before filing plea inclusive, four dollars.

For filing plea, demurrer, joinder in demurrer, and all services before trial, four dollars.

For entering up judgment, issuing *feri facias*, and all incidental charges inclusive, three dollars.

Commissions to examine witnesses or filing cross interrogatories, eight dollars.

Motion for new trial, in arrest of judgment or special matter in argument on the trial on Circuit, or in the Court of Appeals, five dollars.

Supœna writ or renewal of execution, one dollar.

Copies of all exhibits, per copy sheet, twelve and a half cents.

Clerks of the Courts of Common Pleas and Sessions.

For signing writ and all services before filing declaration, fifty cents.

For filing declaration, and all incidental orders and charges before issue joined, fifty cents. Clerk's fees

For recording the proceedings from the beginning to the ending of a cause, one dollar.

For signing and entering up judgment, fifty cents.

A. D. 1827.

For issuing execution, fifty cents.

All incidental and other charges in a case not defended, or where issue is not joined, one dollar.

For every search for papers in a cause which is terminated, twelve and a half cents.

For filing every plea, demurrer, or joinder in demurrer, fifty cents.

For signing order for bail, fifty cents.

For every recognizance, fifty cents.

Receiving money and paying it over, one per cent.

Attending in a cause tried, reading papers, swearing witnesses, and other services, fifty cents.

Signing a certificate, twelve and a half cents.

Administering every oath, except swearing witnesses in the trial of a case, twelve and a half cents.

Attending a Judge at Chambers, fifty cents.

Entering satisfaction on judgment, twenty-five cents.

License to an Attorney, and all incidental charges, five dollars.

Issuing a *certiorari* or other special writ, seventy-five cents.Issuing commission to examine witnesses, or *dedimus potestatem*, fifty cents.

For every summary process, where debt is paid before decree, seventy-five cents.

Where judgment is signed, other services inclusive, one dollar fifty cents.

Signing each subpoena writ, fifty cents.

Each writ of *habere facias possessionem*, one dollar.For a *noli prosequi*, one dollar.For each writ of *venire* for summoning jurors, twenty-five cents.Each writ of *habeas corpus*, or bench warrant, one dollar fifty cents.

All orders of bastardy, taking recognizance, &c., fifty cents.

Each order for restitution of lands, one dollar fifty cents.

Where a bill is found or thrown out, two dollars.

Bill found, trial before Petit Jury, and verdict, four dollars.

Exemplifications of proceedings or other office copy, per copy sheet, nine cents.

Sheriff.

Sheriff's fees.

For serving writ or summons, one dollar.

For bail bond, one dollar.

Mileage from court-house to defendant's or witness's residence, or place where found, going, but not returning, per mile, five cents.

Commitment and release of prisoner, fifty cents.

For summoning each jury at any one term, ten dollars.

Serving rule, notice or order of Court, fifty cents.

Serving subpoena writ and ticket, fifty cents, and mileage on each ticket.

Serving bench or other warrant, one dollar.

Returning a writ where goods or persons are not found, fifty cents.

Dieting white persons in jail, per day, thirty cents.

Dieting slaves, eighteen cents.

Executing a person condemned to death, five dollars.

For putting a person in the stocks, pillorying, branding or whipping, one dollar.

Bringing up a prisoner on *habeas corpus*, to be paid by prisoner if able, if not, by State, one dollar.

Conveying prisoners from one district to another, for every mile going and returning, in addition to all necessary charges, six cents.

Commissions on all monies collected by execution, on all sums under three hundred dollars, two per cent. A. D. 1827.

On all sums over three hundred dollars, one per cent.

Execution lodged to bind, with orders not to levy, fifty cents.

For serving execution against the body of defendant, one dollar fifty cents.

In all cases by summary process, where the sum demanded does not exceed fifty dollars, one half of the above fees.

For drawing and executing a deed of conveyance, three dollars.

For each bill of sale for personal property, two dollars; nor shall any sheriff charge for more than one bill of sale for property bought at any one sale by the same party.

For advertising the defendant's property, one dollar, in lieu of all other charges.

Masters and Commissioners in Equity.

For every summons, thirty-seven and a half cents.

For taking affidavit in writing, twenty-five cents.

Swearing all the witnesses on reference before him, or on trial in Court, Commissioners fees.
one dollar.

Taking a recognizance, fifty cents.

Taking oath of the defendant to answer, fifty cents.

Each day engaged in holding reference, one dollar.

Making up and returning report, but not more than one report in each case, three dollars.

Commissions on all sales by order of Court, where the total amount of the sale, if all the property shall not exceed five hundred dollars, two per cent; and in all cases where it shall exceed that sum, one per cent; and this to include all other charges, such as receiving and paying over money or transferring bonds.

Commissions on all monies received, other than on sales made by Commissioner, one per cent.

Deed of conveyance, three dollars.

Register in Equity.

Signing and sealing any writ, twenty-five cents.

Affidavits of service of writ or other process, twenty-five cents.

Examination of witnesses and taking down testimony, exemplification of proceedings, or other office copy, per copy sheet, nine cents. Register's fees.

For every search, twelve and a half cents; but not more than one dollar for all searches in any case.

Examining decree, affixing seal, &c., one dollar.

For every order published in a Gazette, in addition to printer's bill, fifty cents.

Every Commission to take answer or examine witnesses, or for other purposes, fifty cents.

For examining and filing each return of a guardian or trustee, one dollar.

For letters of guardianship and taking bond, five dollars.

For every rule against a defaulting guardian or trustee, three dollars.

Complainant's Solicitors.

Drawing and filing a bill and necessary exhibits, twenty dollars.

Every commission to examine witnesses or other purpose, or filing cross interrogatories, eight dollars. Solicitors's fees.

Special matter and argument on the Circuit or in Court of Appeals on trial of the cause, five dollars.

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Briefs for Circuit Judge, five dollars.
 Briefs for Court of Appeals, ten dollars.
 Exceptions to Commissioner's report, five dollars.
 All petitions and incidental charges, ten dollars.
 Each day attending before Commissioner on reference, five dollars.

Defendant's Solicitors.

Drawing and filing answer and exhibits, twenty dollars.
 Every commission to examine witnesses or other purposes, or filing cross interrogatories, eight dollars.
 Special matter in argument on the trial on Circuit or in the Court of Appeals, five dollars.

Briefs for Circuit Judge, five dollars.
 Briefs for Court of Appeals, ten dollars.
 Each day's attendance on reference before Commissioner, five dollars.
 Exceptions to Commissioner's report, five dollars.

III. *Be it further enacted*, That in all districts in which there is not such an officer as Register in Equity, and in which the duties of Register are performed by a Commissioner, that such Commissioner or Commissioners in Equity shall be entitled to charge and receive the fees herein allowed to the Register in Equity, according to services rendered.

IV. *And be it further enacted*, That if any officer herein named shall wilfully or ignorantly charge any other or higher fees than those herein recited, such officer shall be liable to forfeit to the party injured, ten times the amount of the excess of fees so improperly charged, to be recovered by suit in the Court of Common Pleas, in which suit no imparlance shall be granted.

V. *And be it further enacted*, That in every case in which a Clerk of the Court of Common Pleas, Commissioner in Equity, or Register in Equity, shall issue an execution, he shall attach thereto a bill of each item of costs therein charged, and shall, on application of defendant in execution, tax all costs which accrue to the sheriff for services on such execution.

VI. *And be it further enacted*, That this Act shall be considered as applying to all cases to be taxed, and upon which execution shall issue after the first day of March next.

VII. *Be it further enacted*, That in all cases in which separate suits are commenced on a joint and several note, bond or other obligation, that the full costs by this Act allowed, shall be charged on any one of the said cases, and the one fourth of the regular costs shall only be charged on such other separate actions as may be brought on the said note, bond or obligation.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND P'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2432. AN ACT to regulate the Sittings of the Court of Appeals; and for other purposes.

(Passed December 19, 1827. See last volume.)

A. D. 1827.

AN ACT TO ALTER THE LAW IN RELATION TO THE ACTION OF TROVER; No. 2433.
AND FOR OTHER PURPOSES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, it shall be lawful for any of the judges of this State, or any clerk of the court of sessions and common pleas, upon affidavit made by any plaintiff intending to commence any action of trover, for the conversion of any specific chattel, that such chattel belongs to such plaintiff, and has been converted by the defendant, to make an order, directed to all and singular the sheriffs of the said State, requiring them, or either of them, without delay, to cause the defendant or defendants to enter into bond, with sufficient security, to the sheriff of the district in which such action shall be brought, for the production of the chattel sued for, to satisfy the plaintiff's judgment, in case he should recover against the defendant or defendants; and such specific chattel shall be liable to satisfy the plaintiff's judgment to the exclusion of other creditors.

Where bail is demanded, Defendant in trover to give bond to produce the chattel to answer to Plaintiff's judgment.

II. *And be it further enacted* by the authority aforesaid, That the plaintiff in said action of trover, before the filing of his declaration therein, shall enter into bond and security, to the defendant or defendants, in double the amount of the value of such specific chattel, to be taken by and lodged with the clerk of the district, to be answerable for all damages which the defendant or defendants may sustain by any illegal conduct, in commencing and conducting said action of trover.

Plaintiff to give bond.

III. *And be it further enacted* by the authority aforesaid, That it shall be lawful for the clerks of the courts, justices of the quorum, or any of the judges of this State, to grant orders for bail at any time during the pendency of any suit, in like manner as such orders are granted at the commencement; and it shall be lawful for the sheriff, by virtue of such order, to arrest the defendant or defendants, and him, her or them, detain in his custody, until the said order is complied with.

Orders for bail to be given at any stage of the proceeding.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE CERTAIN PERSONS THEREIN DESCRIBED TO PLEAD AND PRACTISE AS ATTORNEYS AND SOLICITORS, IN THE COURTS OF LAW AND EQUITY IN THIS STATE. No. 2434.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter, when any application for admission to plead and practise in the courts of law and equity in this State, shall be made by any citizen of the State of North Carolina, who shall produce to the Court

Attorneys from N. Carolina, how admitted to practice in this State.

A. D. 1827.

in which such application shall be made, the certificate of a judge of the court of common pleas, or a judge of the court of equity, (as the case may be,) of the aforesaid State of North Carolina, duly attested, under the seal of the said court, stating in substance that such person has practised for three years, immediately preceding, in the court to which the judge so certifying shall belong, as an attorney or solicitor, (as the case may be,) and has maintained a good moral and professional reputation, he shall forthwith be admitted to plead and practise as an attorney or solicitor, (as the case may be,) in the courts of law and equity in this State, without a compliance with any form or requisite, except only the payment of the usual fees, and taking the usual oath.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2435. AN ACT TO REGULATE THE ELECTION OF SHERIFFS THROUGHOUT THIS STATE IN CERTAIN CASES; AND FOR OTHER PURPOSES.

Vacancy by
expiration of
office, how to
be filled.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That when any vacancy shall happen in the office of sheriff, by expiration of office, between the second Monday in January and the same day in the succeeding year, it shall be the duty of the managers of elections of the judicial district where such vacancy may occur as aforesaid, to hold the elections the second Monday and day following, in the January preceding such vacancy; the said managers giving twenty days previous notice, and in other respects complying with the directions of the laws in relation to the election of sheriff.

Vacancy by
death, &c.,
how to be filled.

II. *And be it further enacted* by the authority aforesaid, That when any vacancy shall happen in the office of sheriff, by the death, resignation or removal from office of any sheriff, or whenever any sheriff elect shall die or resign previous to his entering on the duties of his office, it shall be the duty of the managers of election in the judicial district where such vacancy has occurred, or such sheriff elect is dead or has resigned, to hold the election at such time as they may appoint; the said managers giving twenty days previous notice thereof, and in other respects complying with the directions of the laws as to the sheriffs' elections.

Elections de-
clared void, to
be held again.

III. *And be it further enacted* by the authority aforesaid, That whenever the managers of election have declared an election of sheriff void, it shall be their duty to hold a new election at such time as they may appoint; they giving twenty days notice thereof, and in other respects complying with the directions of the laws as to sheriffs' elections.

Elections when
to be declared.

IV. *And be it further enacted* by the authority aforesaid, That the managers shall meet on the second day subsequent to the last day of election, to count the votes and declare the election of the person who may have the greatest number of votes, and shall certify to the Governor the election of such person, unless such election shall be contested as the law directs; and upon such certificate being produced, the Governor shall

immediately commission such person, he having first complied with all the requisitions attached to the office of sheriff.* A. D. 1827.

V. *And be it further enacted* by the authority aforesaid, That every sheriff elected as aforesaid, on the second Monday and day following, in January, or elected to fill the place of a sheriff elect who is dead or has resigned, shall enter on the duties of his office whenever the then incumbent's term of office has expired by the efflux of time, or has otherwise terminated: And every sheriff elected as aforesaid, to fill the vacancy occasioned by the death, resignation or removal from office of a sheriff, shall enter on the duties of his office as soon as he is commissioned. Sheriff when to enter on the duties of his office.

VI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the clerk of the court of common pleas and sessions in each judicial district, to give notice to the managers of election individually, in the judicial district where such clerk officiates, of the time when the office of sheriff in that district will become vacant, by expiration of the term of office of the then incumbent; the said notice to be given at least sixty days previous to such expiration of office: And when a vacancy shall occur in the office of sheriff by death, resignation or removal from office, or when a sheriff elect is dead or has resigned, it shall be the duty of the clerk of the court in the judicial district, to give notice immediately thereafter, to the managers of election of that district individually, that such vacancy has occurred, or that such sheriff elect is dead or has resigned, as the case may be; and for every occasion when the duty herein prescribed has been performed by a clerk of the court, he shall be entitled to a compensation of five dollars, to be paid by the State, on satisfactory evidence being furnished to the Comptroller-general that the duty has been performed: *Provided*, that nothing herein contained shall be construed to prohibit the managers of election from proceeding to order and hold the election when the clerk of the court neglects to give the notice required as aforesaid. Clerks to give notice of vacancies.

VII. *And be it further enacted* by the authority aforesaid, That all such Acts or parts of Acts as require the clerk of the court to notify the Governor of a vacancy in the office of sheriff, and also all such as authorize the Governor to issue writs of election for the election of sheriff, shall be, and the same are hereby, repealed. Repealing clause.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALI, *Speaker of the House of Representatives.*

AN ACT to authorize the formation of certain Companies for the construction of Turnpike Roads and Bridges. No. 2436.

(Passed December 19, 1827. See last volume.)

* Under this clause of the Act, it has been determined that the decision of the Managers is conclusive as to all matters legally submitted to them, as long as that decision remains unreversed. That a majority of the Managers is a quorum to try the question, and a majority of that quorum is sufficient to decide it. *State vs. De Liessertine*, 1 *McCord's Rep.* 52.

A majority of Managers qualified to serve, being all that is required by the Act. *State vs. Huggins*, 1 *Harper's Law Rep.* 139.

A. D. 1827.

No. 2437. AN ACT TO PREVENT OBSTRUCTIONS TO THE PASSAGE OF FISH UP THE
SEVERAL RIVERS OF THIS STATE.

Commissioners to be appointed.
I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for each of the rivers and sections of rivers hereinafter named, there shall be appointed a board of five commissioners, by a joint resolution of both branches of the Legislature, who shall serve for three years from the day of their appointment; and for neglecting to serve, shall be subject to pay a fine of twenty dollars, to be recovered before any court having competent jurisdiction, to be paid into the public treasury.

There shall be appointed one board for Saluda river, from its junction with the Congaree, extending to the Newberry line, to be called the Saluda board of fish sluices.

One board for Broad river, including the Congaree river above Granby, and extending to the Newberry line, to be called the Broad river board of fish sluices.

One other board for Broad river, commencing at the Newberry line where the powers of the other board cease, and extending to the ninety-nine islands, which shall be called the Upper Broad river board.

One board for Pacolet river, commencing at the mouth of said river, and extending to Easterwood's shoal, which shall be called the Pacolet river board.

One board for the Wateree and Catawba rivers, from the foot of Graves' shoals to the mouth of Fishing creek; and one board from the mouth of Fishing creek to the North Carolina line; the two last named boards to be called the Catawba boards of fish sluices.

Fish sluices to be designated.
It shall be the duty of the said boards, on their respective rivers, to designate the fish sluices thereof, so as to leave one or more passages for fish up the said rivers, which sluices shall be sixty feet wide, or where there are two or more such sluices, they shall be together sixty feet wide: And when they shall be so designated, it shall be lawful for any person to open such sluices; and if any person shall obstruct any such sluice when once opened, so as to prevent the free passage of fish up the same, and every part thereof, he shall be deemed guilty of a public nuisance, and on conviction thereof shall be fined in a sum not exceeding twenty dollars nor less than five dollars, before any court having competent jurisdiction, and shall stand committed until such fine shall be paid, for a time not exceeding ten days, at the discretion of the court before which such conviction may take place: One half of the fine shall be paid to the informer, and the other half into the treasury of the State. Whenever a fish sluice in any of the rivers aforesaid shall have been designated as aforesaid, any stoppage of the same shall be regarded as a public nuisance, and may be abated as such.

No fishing to be within 80 yards of the dams.
That it shall not be lawful for any person whomsoever, at any time, to erect or keep up any fish trap or other device for catching fish, or to fish with any net or seine within eighty yards of any dam, erected by the order or at the expense of the State, across any stream intended thereby to be made navigable, in which dams there shall be left or constructed any sluice for the passage of fish; and all and every person or persons offending against this Act, shall, for each and every offence, pay the sum of twelve dollars, to be recovered before the court of sessions of the district where the offence may have been committed, one half of which

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penalty shall go to the informer, and the other half to the support of the work to which the dam is attached; and all traps and other devices for catching fish, erected or kept up in violation of this Act, be, and the same are hereby declared, public nuisances, and may be abated as such. In case the person so fined will not immediately pay the same, he shall be committed to the gaol of the district, there to remain in close custody for not exceeding ten days: *Provided nevertheless*, that nothing in this Act contained shall be construed to give authority to any of the said boards to designate any fish sluice through any dam erected by public authority for the improvement of the navigation of any of the said rivers, or to designate any fish sluice through any dam erected by individuals for the purpose of propelling any machinery, where the owner of such dam shall leave open a part of the river sixty feet wide, or where the dam extends entirely across the river, shall construct therein a sufficient fish sluice, sixty feet wide, and shall keep the same open for and during the months of February, March and April, in each year.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND P'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT TO CARRY INTO EFFECT AN ACT TO DIVIDE PENDLETON DISTRICT INTO TWO COUNTIES, AND FOR OTHER PURPOSES. No. 2438.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the second Munday in October, of the year of our Lord one thousand eight hundred and twenty-eight, Pickens county, according to its present limits, comprising that part of the election district of Pendleton north and west of the line laid out by commissioners appointed at the last session, according to a map thereof returned and recorded in the office of Secretary of State, shall constitute a separate district for judicial purposes; and that Anderson county, according to its present limits, being the remaining portion of the said election district, south and east of the said line, shall likewise constitute a separate district for judicial purposes; that they shall be included in and form part of the Western Circuit, and that circuit courts be held at their respective court houses, to sit on the days hereinafter specified, to possess and exercise, each court, in its respective district, the same powers and jurisdictions now held and exercised by the several circuit courts of this State.

Boundary of
Pickens and
Anderson
counties.

II. *And be it further enacted* by the authority aforesaid, That from and after the time aforesaid, the present circuit courts both of law and equity, now established and held at Pendleton court house for Pendleton district, shall be, and the same are hereby forever, abolished, and that all suits and appeals then depending in the said courts, shall be transferred to that district wherein the defendant or appellee resides; and where there are two or more defendants or appellees residing in different districts, or where neither of the defendants or appellees reside in either, then to either of the districts the plaintiff or complainant may direct; and all indictments then

Courts at Pen-
dleton court
house abolish-
ed.

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pending, to the new district where the offence was committed; and all the said suits and indictments shall be continued, proceeded on, and determined in the respective courts to which they shall be transferred as aforesaid. And all the papers belonging to any of the said suits; appeals or indictments, together with the legal incidents thereunto appertaining, shall accompany the said suits, appeals and indictments.

Records to be removed.

III. *And be it enacted* by the authority aforesaid, That all records and original documents not otherwise directed by this Act, now or at that time, belonging to the several offices of Clerk and Register of Mesne Conveyance, Sheriff, Ordinary, Coroner, Commissioner in Equity, and Commissioner of Locations, for the present district of Pendleton, be transferred to Anderson Court house, there to be kept and continued.

Jury list to be made out.

IV. *And be it further enacted*, That the tax collector for Pendleton district be, and he is hereby, required to prepare and furnish to the Sheriff of Pendleton district, separate lists of persons residing in each of the new districts respectively, liable to serve as jurors, the one for Pickens, the other for Anderson district, on or before the fourth Monday in March next: and the circuit court Judge then in attendance, shall cause to be drawn, or if he be absent, the clerk and sheriff shall draw therefrom, in the manner prescribed by law, the names of twenty-four persons to serve as grand jurors, and the names of forty-eight persons to serve as common pleas and petit jurors, from each of the lists for each of the new districts, at the first court to be held for the same respectively; which jurors so drawn are hereby declared to all intents and purposes, lawful jurors, to sit, try and determine all matters in said courts for said districts, at the next circuit thereafter, that may be brought before them respectively; and the clerk for Pendleton district is hereby authorized and required to issue separate writs of *venire facias*, directed to the sheriff of Pendleton district, who shall summon the jurors so drawn to appear and serve at their respective courts; and all jurors so summoned who shall fail to attend, shall be subject to the penalties prescribed by law against defaulters in like cases; and the said clerk for Pendleton district is further required to furnish for the new districts the names remaining undrawn on each list, to the respective officers of the new districts, to be placed in the respective jury boxes, from which to form and make out other jury lists for succeeding courts.

Courts of Equity to be held at each court house.

V. *And be it further enacted* by the authority aforesaid, That from and after the day before appointed for the discontinuance of the courts of law and equity, for the present district of Pendleton, there shall be a court of equity held at Anderson court house, for Anderson district, on the third Monday after the fourth Monday in May annually, to sit for three days, if so much be necessary; and at Pickens court house, for Pickens district, on the Friday after the third Monday after the fourth Monday in May annually, to sit for two days, if so much be necessary; each to form a part of the present first equity circuit, and shall possess and exercise the same powers and jurisdiction, held and exercised by the several courts of equity in this State; and the commissioner in equity for Pendleton district shall transact the duties of that office for both districts, keeping his office at the village of Pendleton, until the next session of the Legislature, when a commissioner in equity shall be elected by joint ballot of both branches of the Legislature, for each district; each of whom so elected shall perform the same duties, receive the same fees, and be subject to the same regulations, as by law now established in like cases.

IV. *And be it further enacted* by the authority aforesaid, That the justices of the peace and justices of the quorum heretofore appointed for

the district of Pendleton, be, and the same are hereby, continued for the new districts respectively in which they reside, for their remaining term of office, and that the jurisdiction of the said magistrates shall, from and after the said second Monday in October next, after the passing of this Act, be confined to the limits of their respective judicial districts. A. D. 1827.

VII. *Be it further enacted* by the authority aforesaid, That the present tax collector, the present boards of the commissioners of the poor, commissioners of free schools, and commissioners of roads, for Pendleton district, shall continue as heretofore, for the unexpired term of their appointment, transact the same duties, and be subject to the same regulations as by law established; *provided*, that the tax collector and his successors, from and after the passing of this Act, be required to keep separate accounts of the taxes paid in each judicial district, and shall furnish to the proper officers in each new district, new jury lists as often as may be necessary, and shall be authorized to issue executions against defaulters in either district. Also the tax collector, &c.

VIII. *And be it further enacted* by the authority aforesaid, That all writs and other process issued from the court of law for Pendleton district, from and after the fourth Monday in March next, be made returnable to that court to which they are directed to be transferred by this Act; and the sheriff of Pendleton district is required to execute all such writs or other process, and make return thereof, to the clerk of such district to which they are returnable, fifteen days before the sitting of such court. Writs and other process when returnable.

IX. *And be it further enacted*, That the several courts included in the western circuit, shall, from and after the first day of September next after the passing of this Act, be holden at the respective court houses at the following times, that is to say: the courts for the district of Abbeville, shall be holden on the second Monday in October, and the third Monday in March, in each and every year, to sit for six days, if so long be necessary; the courts for the district of Anderson, on the third Monday in October, and the fourth Monday in March in each and every year, to sit for six days, if so long be necessary; the court for Pickens district, on the fourth Monday in October, and the first Monday after the fourth Monday in March in each and every year, to sit for six days, if so long be necessary; the court for Greenville district, to be holden on the first Monday after the fourth Monday in October, and the second Monday after the fourth Monday in March, in each and every year, to sit six days, if so long be necessary; the court for Spartanburgh district, to be holden on the second Monday after the fourth Monday in October, and the third Monday after the fourth Monday in March, in each and every year, to sit six days, if so long be necessary; the court for Laurens district, to be holden on the third Monday after the fourth Monday in October, and the fourth Monday after the fourth Monday in March, in each and every year, to sit for six days, if so long be necessary; and that all writs and process to be issued from the said courts, after the next Spring term, shall be returnable fifteen days previous to the times and periods herein before specified for holding the said courts respectively. Courts, when to sit.

X. *And be it further enacted*, That the clerk, sheriff, ordinary, commissioner of locations, and coroner, for the present district of Pendleton, be, and the same are hereby, transferred and continued, as the clerk, sheriff, ordinary, commissioner of locations, and coroner, for Anderson district, from and after the said second Monday in October next, and for their remaining terms of office respectively; and elections shall be held in the manner prescribed by law, at the usual places of election in Pickens judicial district, on the third Monday and Tuesday in August next, and on the third Monday and Tuesday in August in each and every year thereafter, to fill Clerks and other officers transferred and continued.

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such vacancies as may occur in either of the offices of clerk, ordinary or commissioner of locations for either of the new districts respectively; which said officers so elected shall be commissioned for the time being as now authorized; and each of the officers so transferred and continued, or elected, shall perform respectively in each of the courts and districts for which they shall be elected or transferred, all the duties, and receive therefor the same fees and emoluments, and shall be subject to the same rules, regulations and restrictions, now established for and concerning the clerks, sheriffs, ordinaries and commissioners of locations, of the several circuit court districts in this State; *provided*, the said officers so to be elected for Pickens district, and the said officers to be transferred and continued for Anderson district, shall not enter upon the duties of office for their respective districts, until the second Monday in October next, after the passing of this Act; *provided also*, that the sheriffs hereafter to be elected for the districts of Pickens and Anderson, before entering upon the duties of office, shall execute bonds with sufficient security in the sum of ten thousand dollars each, and conformable in other respects to the present regulations of the law; *and provided*, that the clerk for Anderson district be, and he is hereby, authorized to grant renewals of all final process unsatisfied, conformable to law, in all cases where judgments have been transferred.

Vacancies, how
to be filled

XI. *And be it further enacted*, That the Governor shall have power to fill all vacancies that may occur in cases now provided for by law, to hold under such appointment until such time as an election may shall place according to the provisions of this Act.

Jail at Pendle-
ton courthouse
to be used for
both districts.

XII. *And be it further enacted* by the authority aforesaid, That the gaol now at Pendleton courthouse shall continue to be the common gaol for both Anderson and Pickens judicial districts, until a new gaol shall be erected in each of the said judicial districts, and the sheriff of Anderson is hereby required to keep the said gaol in a fit and proper state for the reception and safe custody of all persons committed to the same, either from Anderson or Pickens judicial district, after this Act shall have gone into operation, until the said new gaols are erected, and shall be responsible therefor, in the same manner as other sheriffs are by the laws now in force.

Security to be
given by Es-
cheators.

XIII. *And be it further enacted*, That the escheator who now is or may hereafter be appointed for the district of Pendleton, shall give bond and security for the performance of his duties in the sum of two thousand dollars, and no more, any law to the contrary notwithstanding; *provided*, he give bond and security in all other respects as by law he is now bound to do.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2439. AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY-EIGHT.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned,

shall be raised, and paid into the public treasury of this State, for the use and service thereof; that is to say, Thirty-seven and a half cents ad valorem on every hundred dollars, of the value of all lands granted in this State; the sum of seventy-five cents per head on all slaves of every description; and the sum of two dollars on all free negroes, mulattoes, and mestizoes, (except such as shall be clearly proved, to the satisfaction of the collectors, to be incapable, from maims or otherwise, of providing a livelihood,) between the ages of fifteen and fifty; and thirty-seven and a half cents ad valorem on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough; and seventy cents per hundred dollars, on factorage employment, faculties and professions, whether in the profession of the law the profits be derived from costs of suit, fees, or other sources of professional income, and on the amount of commissions received by vendue-masters and commission merchants, (clergymen, schoolmasters, schoolmistresses and mechanics excepted;) to be ascertained and rated by the assessors and collectors throughout this State, according to the best of their knowledge and information; to be paid in specie, paper medium, or the notes of the specie paying banks of this State.

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Tax to be raised on lands, negroes, &c. to be paid in notes of the incorporated Banks of this State, &c.

Faculties and Professions.

II. *And be it enacted*, That any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay, for the use of the State, a double tax on the same; but this clause shall not be construed to extend to any person sent, or to be hereafter sent, abroad in the service of this State, or the United States, until one year after the expiration of his commission.

Absentees to pay double.

III. *And be it enacted*, That all persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of five dollars per day, before making such exhibitions; which sums shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay the same over into the public treasury annually; and in case of non-payment, the clerk of the court, or any justice of the peace or quorum, is hereby authorized and required to issue an execution, for double the amount of the tax, directed to any sheriff or constable of the district, against the body or goods of the person or persons liable to pay the said tax; provided, that nothing herein contained shall be construed to extend to any incorporated town or city.

Tax on plays and shows.

IV. *And be it enacted*, That seventy-five cents shall be levied on every hundred dollars worth of goods, wares and merchandize, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States, excepted,) which any person shall employ or use as articles of trade, or for sale, barter or exchange, or have in his, her or their possession, on the first day of January, in the year of our Lord one thousand eight hundred and twenty-eight, either on his, her or their own account, or purchased by his, her or their own capital, or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; to be assessed by the assessors and collectors throughout this State, according to the best of their knowledge and information; and that every person or persons making a return of such goods, wares or merchandize, to a tax collector, shall take the following oath or affirmation; "I, A. B. do solemnly swear, (or affirm) that the return which I now make, is, to the best of my knowledge and belief, a just and true return of the amount or value of all the goods, wares and merchandize, (the products of this State, or the

Tax on stock in trade.

Oath.

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unmanufactured products of any of the United States, excepted,) which I held in my possession on the first day of January, one thousand eight hundred and twenty-eight, for sale, barter or exchange, either on my own account, or upon borrowed capital, or on account of others, as agent, attorney or consignee. So help me God."

Defaulting collectors to pay 5 per cent a month.

V. *And be it enacted*, That if any tax collector shall refuse or neglect to make his return, and pay the taxes, within the time prescribed by law, which had been received by him, it shall be the duty of the treasurer, within whose division such default shall be made, in addition to the coercive power which they now possess, to charge the said collector with the interest, at the rate of five per cent per month, from the time he ought to have made such return and paid the taxes, to the time of such settlement.

Information to be given of property sold.

VI. *And be it enacted*, That it shall be the duty of every taxable inhabitant of this State, who shall, since his last return, and prior to the first day of October last, have sold or transferred the possession of any real or personal property liable to tax, (except stock in trade) to give information, at the time of making his next return, of such sale or transfer, and the name of the person to whom sold or transferred, to the tax collector of the district in which he may reside, to the end that the tax collector may be better enabled to collect the public dues.

Tax on persons who sell Lottery tickets.

VII. *And be it enacted*, That after the passing of this Act, no person shall open or keep any office for the sale of lottery tickets, in any other lottery than such as are or may be authorized by the laws of this State, unless such person shall have first paid to the tax collector of the parish or district a tax of one thousand dollars for such privilege; and if any person shall open or keep any office for the sale of lottery tickets, or shall sell, or offer for sale, any lottery tickets, without having paid the said tax, such person, on conviction thereof by indictment, shall forfeit and pay two thousand dollars; and it shall be the duty of the tax collector of the district or parish in which such office shall be kept, or in which such lottery tickets may be sold, or offered for sale, to prosecute all persons who shall offend against the provisions of this Act.

Phoenix Insurance Company allowed to underwrite.

VIII. *And be it enacted*, That the Phoenix Insurance Company be, and they are hereby, authorized and permitted to underwrite any policies of insurance, of any kind whatsoever, and of any value, as fully and completely as they were permitted to do anterior to the Act for the year one thousand eight hundred and fourteen; *provided*, the said company pay, into the treasury of this State, four thousand dollars.

Tax on premiums of insurance on foreign capital.

IX. *And be it enacted*, That a tax of ten per cent, be laid on the amount of all premiums arising from any insurance, or contract for insurance, against losses by fire, effected in this State, with the agents of any individual, or association of individuals, whose property or capital stock is out of the limits of this State, and not subject to its taxation; and all persons acting as agents for the aforesaid purpose, who may refuse or neglect to make a return of the amount of premiums received by him or them, shall be double taxed.

Salaries how to be paid.

X. *And be it enacted*, That the treasurer of each division be, and he is hereby, authorized and required to pay all appropriations, made for and on account of any officer of this State, or other appropriation, within his division; except the officers of each branch of the legislature, who shall be paid by the treasurer of the upper division, at the end of the session of the legislature; and except the pay bills of the members of the legislature, which shall be paid on presentment at either of the treasuries; and it shall be the duty of either of the treasurers, whenever he shall

make any payment, to take a duplicate receipt, and forward the same to the comptroller-general, with his monthly report. A. D. 1837.

XI. *And be it enacted*, That if any transient person or persons not resident in this State, shall at any time sell, or expose to sale, any goods, wares or merchandize whatsoever, in any house, stall or public place, after the first day of January in each year, such person shall make return upon oath, within ten days after commencing to sell as aforesaid, of the whole amount of the stock in trade he may have possessed at that time, to the tax collector of the district or parish in which the said goods, wares or merchandize shall have been or may be sold or exposed to sale; and if any person shall neglect or refuse to make such return as aforesaid, within the term prescribed above, he shall, on conviction thereof by indictment, forfeit and pay the sum of not more than one thousand dollars; unless such person shall have paid for and procured a license according to the provisions of an Act entitled "An Act to increase the price of license to hawkers and peddlars." Goods of transient persons taxed.

XII. *And be it further enacted*, That it shall be the duty of such collector to proceed to collect, from such persons so selling as aforesaid, the tax required by law to be paid on stock in trade, within five days after receiving such return. Said tax to be collected within five days.

XIII. Whereas, Joseph Pritchard, appointed coroner for Chesterfield district, did receive divers executions of A. McDonald, who was sheriff and tax collector of said district, did vacate the said office of coroner by his acceptance of the office of deputy sheriff, before he had collected the said executions: *Be it therefore enacted* by the authority aforesaid, That the present tax collector for Chesterfield district be authorized to renew all such executions as were not collected, and deliver the same to the sheriff for collection; but nothing herein contained shall discharge the said Joseph Pritchard from liability for all cases which shall not be collected in pursuance of the authority of this Act. Tax executions in Chesterfield to be renewed.

XIV. *And be it further enacted* by the authority aforesaid, That no execution shall be levied for poor tax, by any tax collector in this State, on the property of any person non-resident in the county, parish or district in which such collector resides, until he shall have given to the proprietor or agent thereof, personal notice of the assessment thereon, for the support of the poor, and the amount of such assessment; *provided*, the proprietor, or his or her agent, shall be resident within the State. Poor tax of non-residents in how to be collected.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND P'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY-SEVEN; AND FOR OTHER PURPOSES. No. 2440.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the salaries of the public officers of this State, and for other purposes, viz:— Appropriations

For the salary of the Governor, three thousand five hundred dollars.

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For the Secretary of the Governor, four hundred and thirty dollars.

For the salaries of three Judges of the Court of Appeals, each three thousand five hundred dollars.

For the salaries of six Judges of the court of Common Pleas and Sessions, each three thousand five hundred dollars.

For the salary of one judge of the court of common pleas and sessions, two thousand five hundred and seventy-two dollars.

For the salaries of two Chancellors, each three thousand five hundred dollars.

For the salary of the Attorney-General, twelve hundred dollars.

For the salaries of five Circuit Solicitors, in lieu of all charges against the State, for the performance of every duty of their office, each seven hundred dollars.

For the salary of the Comptroller-general, two thousand five hundred dollars.

For stationary for the office of the Comptroller-general, one hundred dollars, if so much be necessary.

For the salary of a clerk to the Comptroller-general, to be appointed by him and be removable at his pleasure, one thousand dollars.

For the salary of the Treasurer of the lower division, and for transacting the business of the loan office, of the five and six per cent. stock of the State, and for clerks, three thousand dollars.

For the salary of the Treasurer of the upper division, including clerk hire, two thousand dollars.

For the salaries of the Clerks of the Senate and House of Representatives, each twelve hundred and thirty dollars, to be paid at the adjournment of the Legislature.

For a contingent fund, subject to the draft of the Governor, of the expenditure of which he shall submit an account annually to the Legislature, six thousand dollars.

For the pay of the Members of the Legislature, and of the Solicitors, during the present session, eighteen thousand dollars, if so much be necessary.

For two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the close of the session.

For the rent of the Governor's house in Columbia, five hundred dollars.

For the payment of the contingent accounts of the lower division, eight thousand dollars, if so much be necessary.

For the payment of the contingent accounts of the upper division, twelve thousand four hundred dollars, if so much be necessary.

For the salary of the President of the South Carolina College, three thousand dollars.

For the salaries of the Professor of Metaphysics, Moral Philosophy and the Evidences of Christianity, of the Professor of Mathematics, of the Professor of the Elements of Criticism, Logic and the Philosophy of Languages, and the Professor of Languages, each two thousand dollars.

For the assistant to the Professor of Chemistry, five hundred dollars.

For the salaries of two Tutors in the College, each one thousand dollars.

For the salary of the Librarian and Treasurer of the College, four hundred dollars.

For the commons and other incidental expenses of one student in the College, from the Orphan House in Charleston, during the ensuing year, two hundred and sixty dollars; to be paid to the Cashier of the Branch Bank in Columbia, for the use of the said student.

For the commons and other incidental expenses of one student in the

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College from the Winyaw Indigo Society, during the ensuing year, two hundred and sixty dollars; to be paid to the Cashier of the Branch Bank, in Columbia, for the use of the said student.

For the Librarian of the Legislature, one hundred dollars.

For the pay of the keeper of the State House in Columbia, one hundred and thirty dollars.

For the salary of the Adjutant and Inspector General, two thousand dollars.

For the pay of the Arsenal keeper in Charleston, six hundred dollars.

For the pay of a magazine guard, near Charleston, to consist of an officer, a sergeant and twelve privates, four thousand dollars, to be paid under the direction of the comptroller-general.

For the pay of the arsenal keeper in Abbeville, two hundred dollars.

For the pay of the arsenal keeper and powder receiver in Beaufort, two hundred and fifty dollars.

For the pay of the Physician of the magazine guard and gaol in Charleston, for eighteen hundred and twenty-seven, five hundred dollars.

For the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, one thousand dollars.

For the payment of pensions, twenty thousand dollars, if so much be necessary.

For the payment of annuities, nine thousand dollars, if so much be necessary.

For the support of the Transient Poor of Charleston, payable to the City Council, eight thousand dollars.

For the support of the transient poor of Georgetown, three hundred dollars; to be expended by the commissioners of the poor of Prince George Winyaw, who shall publish annually, in the Georgetown papers, the names of all such transient poor, and the sums paid to each; and return, annually, on oath, to the comptroller-general, an account of their expenditures, to be submitted to the Legislature.

For the support of the Transient poor of the town of Beaufort, two hundred dollars; to be paid to the town council, who shall make an annual return of their expenditures to the Comptroller-general, to be submitted to the Legislature.

For the salary of the Superintendent of Public Works, and his assistants, five thousand five hundred dollars.

For the support of free schools, thirty-seven thousand two hundred dollars; and the commissioners of free schools shall be authorized to draw the unexpended balances of appropriations heretofore made in their respective districts or parishes, in the manner prescribed by the Act to raise supplies for the year eighteen hundred and twenty-three.

For Daniel and John M. Faust, for printing the Acts and Resolutions of the Legislature, the resolutions for the general election, and the Journals of the Senate, fifteen hundred dollars: *Provided*, the Acts and Resolutions be printed and deposited in the office of the Secretary of State, in Columbia, on or before the fifteenth day of February, after the session of the Legislature, and four weeks after each extra session, otherwise only one thousand three hundred dollars.

For Sweeney & Sims, for printing the Journals of the House of Representatives, one thousand and fifty dollars.

For the payment of claims, according to the reports of the committees on claims, concurred in by both branches of the Legislature, twenty thousand dollars, if so much be necessary.

For the reading clerks of the House of Representatives and the Senate,

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each two hundred dollars, to be paid at the adjournment of the Legislature.

For Henry Hucheson, for repairing a cannon, fourteen dollars seventy-five cents.

For John H. Walker and Pharis C. Walker, for a negro executed, one hundred and twenty-two dollars and forty cents.

For the Assessor of St. Philip's and St. Michael's, eight hundred dollars.

For repairs of the arsenal at Beaufort, four hundred dollars, if so much be necessary; to be drawn by the Quarter-master-general, and expended under the superintendence of his department.

For repairs of the arsenal in Abbeville, four hundred dollars.

For the salary of the State Reporter, one thousand dollars.

For the payment of witnesses who have been in attendance during the present session of the Legislature, and expresses, sent by authority of the House of Representatives, two thousand dollars, if so much be necessary.

For David Murry, for a negro executed, as agreed to at the last session of the Legislature, but for which no provision was made, one hundred and twenty-one dollars forty-two cents; and for Alonzo Cady, ten dollars, being the amount of a double tax remitted.

For Dr. McWhorter, in payment of a medical account, twenty-nine dollars; and for Dr. T. D. Singleton, in payment of a medical account, forty-nine dollars.

Indulgence
granted to
Gen. Sumter.

II. *And be it further enacted*, That the President and Directors of the Bank of the State, be, and they are hereby, directed to grant indulgence, free of interest, to General Thomas Sumter, upon his debt to the Bank, during his life, taking such steps as may appear expedient to them, to secure the ultimate payment of the debt.

For Thomas J. Gantt, register in equity for Charleston district, for services rendered to the court of appeals in the years 1826 and 1827, two hundred dollars.

Tax refunded
to Sarah J.
Myers and
others.

III. *And be it further enacted*, That the Comptroller-general be, and he is hereby, directed to refund to Sarah J. Myers and William B. Oliver, executor and executrix of James Myers, deceased, the sum of sixty-two dollars and fifty cents; to Harriet Burns, administratrix of Charles D. Burns, the sum of twelve dollars fourteen cents; to Moses Fitts, the sum of thirteen dollars twelve and a half cents; being the amounts of taxes over paid by them respectively: And that the Comptroller general be, and he is hereby, directed to refund to John Axson such amount as may appear to his satisfaction to have been overpaid by the said John Axson, upon his property in the parishes of St. Philip's and St. James Santee; and to Richard Oulpepper such amount as may be ascertained to constitute a moiety of the double general tax paid by the said Richard for the year 1826.

For Dr. S. Blanding, in payment of a medical account, eight dollars and fifty cents; and for Dr. O'Bannon, in payment of a similar account, thirty-two dollars fifty cents.

Proceedings on
the execution
against securi-
ties of C. M.
Hart, suspend-
ed.

IV. *And be it further enacted*, That the Solicitor of the middle circuit be, and he is hereby, authorized and required to suspend proceedings on the execution against the securities of C. M. Hart, late tax collector of York district, until the first day of January eighteen hundred and twenty-nine, if, in the opinion of the Solicitor, such indulgence will not diminish the security of the debt.

For Willis H. Pardee, for the repair of a piece of artillery, forty-two dollars and fifty cents.

For Henry Rucker, being the amount of a double tax remitted, ten dollars and fifty cents.

For Thomas T. Willison, commissioner in equity for Richland district, for attending the court of appeals at Columbia, in one thousand eight hundred and twenty-seven, one hundred dollars.

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For the city council of Charleston, for the execution of the quarantine laws, one thousand dollars.

For James M. Harris, sheriff of York district, forty-five dollars thirty-six cents; and also, the further sum of nineteen dollars, if the Comptroller-general shall be satisfied that the tax of Jackson Neely for eighteen hundred and twenty-six has been paid to the tax collector of Lancaster district; and not otherwise.

For Wm. Moore, sheriff of Fairfield district, ninety-two dollars and fifty-four cents.

For the repair of the court-house and jail of Fairfield district, one hundred and fifty dollars.

To the Winyaw and Wando Canal Company, to be paid to Stephen Elliott, Esq. treasurer of the said company, five thousand two hundred and fifty dollars, with interest, conformably to the joint resolution of both branches of the Legislature: *Provided*, that before the said payment shall be made by the Comptroller-general, he shall demand and receive from the company an acknowledgment that the State is still a stockholder, and entitled to all the benefits and rights of a stockholder, as though the resolution of December, eighteen hundred and twenty-one, had not passed.

For Charles Beck, twenty-five dollars, for estimate made for the Commissioners of the Lunatic Asylum.

For James M. Harris, sheriff of York district, ninety-nine dollars.

V. And be it further enacted, That the following sums be, and they are hereby, appropriated for public buildings, to be applied to the objects hereinafter enumerated, viz: Appropriations
for public
buildings.

To erect a new court house and repair the gaol of Abbeville district, nine thousand five hundred dollars, in addition to five hundred dollars appropriated at the last session for the public buildings of the said district.

To build a new gaol in Sumter district, in addition to the amount appropriated at the last session of the Legislature, two thousand dollars.

To erect a new gaol in Greenville district, seven thousand dollars.

For the State Magazine on Laurel Island, two thousand dollars.

For the repair of the gaol in Charleston, two thousand dollars.

For the repair of the court-house and gaol in Orangeburgh district, five hundred dollars.

For the court-house and gaol of Marlborough district, three hundred dollars.

For J. M. Harris, for a temporary gaol in York district, one hundred and twenty-three dollars thirty-seven and a half cents.

For J. M. Harris, for repairs to the old gaol of York district, twenty-eight dollars twenty-three cents.

For Isaac Pond and Daniel S. Graham, in payment of Perry's bond, four hundred dollars, with interest from January, eighteen hundred and twenty-three.

For Alexander Vernon, for repairs to the gaol of Spartanburgh district, fifteen dollars.

For repairing the gaol of Beaufort district, six hundred and sixty-seven dollars.

For effecting the necessary repairs to the gaol and court-house of Georgetown district, five hundred dollars.

For completing the State Arsenal, on the site of the Tobacco Inspection in Charleston, as agreed to by joint resolution of both branches of the Legislature, fifteen thousand dollars.

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Indulgence
granted to
Alexander
Houston.

VI. *And be it further enacted*, That so soon as Alexander Houston, one of the sureties of Peter B. Rogers, late tax collector of Abbeville district, shall pay one fourth part of the principal and interest, and all the costs, for which judgment has been obtained against him in an action on the tax collector's bond, the solicitor of the western circuit be instructed to suspend further proceedings on the execution of the judgment aforesaid, if in his opinion it shall not diminish the security of the debt; and that the said solicitor be instructed to report to the Legislature, at its next session, the situation of this case, and whether in his opinion the interest over seven per cent. charged against the tax collector aforesaid, should be remitted to the said Alexander Houston,

For carrying into operation the Lunatic Asylum, seven thousand dollars, to be paid to the Regents of that institution.

To repair the court-house and gaol of Colleton district, five hundred dollars.

For Samuel Bacot, for repairs to the gaol of Darlington district, one hundred and twenty-nine dollars and twenty-nine cents.

For Campbell Humphries, for repairing the court room in Spartanburgh district, ten dollars.

For Joseph Durant, for repairs to the gaol of Sumter district, fifty dollars.

For Zachariah Price, for repairs to the College, two hundred and forty-eight dollars thirty cents.

For Doctors Scott & Witherspoon, in payment of a medical account, ten dollars and twenty-five cents.

For completing the fourth and fifth sections of the Rocky Mount Canal, and the navigation of the Wateree and Catawba rivers above Camden, fifty-six thousand dollars.

For the State road, below Goose creek, four thousand dollars.

For the State road, above Providence swamp, twelve thousand three hundred and thirty-three dollars.

For the Camden road and causey through Santee swamp, at Vance's ferry, four thousand dollars.

For the State road, between Savannah Hunt and the Columbia bridge, four thousand seven hundred and fifty dollars; and the Superintendent of Public Works is required to lay out two lines of road between these points, one passing, on the best practicable route, over the present causey in Haugabook swamp, by Granby, and the other on the best practicable route west of Granby and the said swamp: That as soon as the said routes shall be determined on, and the plan of construction shall be devised, so as to place every part of the road above the highest freshets, the construction of the road shall be let out at public auction, to the lowest bidders, who shall give good and approved security, and the line of road which shall cost least, including damages for land taken, shall be adopted; and all the bids on the other line shall be rejected: And in case the western line shall be adopted, the present road from and below Granby, through Haugabook swamp, may be closed by the owners of the adjoining lands, so soon as the new road is constructed. For the purpose of assessing the damages of land holders, for lands taken for either line, any Judge of the Court of Common Pleas, at Columbia, may, and is hereby required to, appoint Commissioners: And in case the road shall be constructed on the west side of Haugabook swamp, it shall be the duty of the commissioners of the roads of Lexington district, to lay out, open and keep in repair, a public road leading directly from Granby ferry to unite with the State road, at some point north of the cultivated grounds of John Taylor, on the north side of Six Mile creek.

For contingent expenses in the department of public works, three thousand dollars.

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To George Lorick, for assessment made under the Act of eighteen hundred and nineteen, five hundred dollars.

To Thomas Screven, for assessment made under the Act of eighteen hundred and nineteen, three hundred dollars.

To John Norton, according to a resolution agreed to by both branches of the Legislature, two thousand five hundred and ten dollars.

To Daniel Green, constable, for attending the Court of Appeals, in Charleston, during the fall term of eighteen hundred and twenty-seven, seventy-five dollars.

For Samuel Wiley, forty-five dollars and fifty cents, being an appropriation formerly made for, but not received by, Peter Wiley.

For Richard S. Wish, twelve dollars, for services rendered in a contested election.

VII. *And be it further enacted* by the authority aforesaid, That after the passing of this Act, no clerk of the court, sheriff or gaoler, shall be entitled to receive any fees from the State, in any criminal case where the defendant shall be convicted, unless they make oath that such defendant has been discharged, from inability to pay costs. Clerks, sheriffs and gaolers fees, how to be certified.

VIII. *And be it further enacted* by the authority aforesaid, That no sheriff or gaoler shall be entitled to fees for dieting prisoners, unless they forward, with their accounts, the commitments and releasements of the magistrates. Gaoler's fees, how to be paid.

IX. *And be it further enacted* by the authority aforesaid, That the sum of one hundred and fifty dollars be appropriated for the repairs of the gaol in Marion district, if so much be necessary.

For the Comptroller-General, for attending at Washington, to arrange the claims of this State against the United States, seven hundred and fifty dollars.

For the pilot of the bar and harbour of Georgetown, as a compensation for eighteen hundred and twenty-six, three hundred and twenty dollars; and also the sum of three hundred and twenty dollars for his services during the year eighteen hundred and twenty-seven.

For the support of a magazine guard at Georgetown, to be expended under the control and direction of the town council of said town, five hundred dollars.

X. *Be it further enacted*, That the following sums be appropriated:

For the pay of the Clerk of the Court of Richland district, for attending the Court of Appeals in Columbia, for the year eighteen hundred and twenty-seven, one hundred and fifty dollars.

For the pay of the Sheriff of said district, for attending the same Court, and for fuel and candles, for the year eighteen hundred and twenty-seven, one hundred and fifty dollars, to be paid on producing a certificate of the Judges of said Court, that he has discharged his duty and furnished fuel and candles.

For the pay of the Clerk of the Court of Charleston district, for attending the Court of Appeals, in Charleston, for the year eighteen hundred and twenty-seven, one hundred and fifty dollars.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND TON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

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No. 2441. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE ELECTION OF SHERIFFS THROUGHOUT THIS STATE, IN CERTAIN CASES, AND FOR OTHER PURPOSES;" PASSED THE NINETEENTH DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND TWENTY-SEVEN.

1. Be it enacted, That when any vacancy shall happen in the office of sheriff, by expiration of the term of office, at any time between the date of the ratification of this Act, and the second Monday in January next, and which vacancy has not already been filled, it shall be the duty of the managers of election of the judicial district wherein such vacancy may occur, to hold an election according to the provisions of the said Act, to fill the said vacancy, at any time not less than thirty days before the said vacancy shall occur; which sheriff, so elected, shall be commissioned and qualified and enter upon the duties of the said office, according to the provisions of the said Act.

In the Senate House, the thirtieth day of January, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-second year of the Independence of the United States of America.

JACOB BOND I'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2442. AN ACT to change the time for holding the Courts of Equity in the first and second Equity circuits.

(Passed January 30, 1828. *See last volume.*)

No. 2443. AN ACT to amend an Act entitled "An Act to authorize the formation of a company for constructing Rail Roads or Canals from the city of Charleston to the towns of Columbia, Camden and Hamburg."

(Passed January 30, 1828. *See last volume.*)

No. 2444. AN ACT to re-charter the Camden Ferry.

(Passed January 30, 1828. *See last volume.*)

No. 2445. AN ACT to alter the times of the sitting of certain Courts of the third Equity Circuit for the present year.

(Passed January 30, 1828. *See last volume.*)

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AN ACT TO MAKE PARTIAL APPROPRIATIONS FOR THE YEAR ONE No. 2446.
THOUSAND EIGHT HUNDRED AND TWENTY-EIGHT.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the purposes hereinafter mentioned, viz: Appropriations

For the pay of the members of the Legislature, and of the Solicitors, for their attendance during the adjourned session, twelve thousand dollars, if so much be necessary.

For the clerks of the Senate and House of Representatives, each, the same pay that is by law now allowed to the members of the Legislature.

For the reading clerks of the Senate and House of Representatives, each, the same pay that is by law now allowed to the members of the Legislature.

For the keeper of the State house, two messengers and two door keepers, each, the same pay that is now by law allowed to the members of the Legislature.

For the pay of expressmen and witnesses, subpoenaed and employed by authority of the Senate, or the House, two thousand dollars, if so much be necessary.

For insuring the buildings of the South Carolina College, five hundred and thirty-two dollars.

For John Adams, twenty-four dollars fifty cents; for the repairs done to the court house at Pendleton.

II. *And be it further enacted*, That the Comptroller-general be, and he is hereby, directed to refund to John Lowry the sum of nineteen dollars sixty-two cents.

For Capt. Wm. A. Caldwell, as compensation for repairs done to rifles, twelve dollars fifty cents, as agreed upon by joint resolution of both branches of the Legislature in December, 1826.

For Elliott's Cut, seven thousand dollars.

III. *And be it further enacted*, That the tax collector of St. Philip's and St. Michael's be, and he is hereby, directed to refund the amount of the tax collected by him, and now in his possession, (being two thousand two hundred and ninety dollars,) which was imposed by an Act passed in December, 1822, upon the owners and tenants of houses inhabited by free persons of color, and upon free persons of color exercising mechanic trades, in the parishes of St. Philip's and St. Michael's, for the support of a municipal guard, to the parties who paid the same, or to their legal representatives.

IV. *And be it further enacted*, That the sum of one hundred and fourteen dollars and fifty cents be, and it is hereby, appropriated for the tax collector of St. Philip's and St. Michael's, as a compensation for his services in having collected the tax above mentioned.

For the Librarian of the Legislature, three dollars per day for his attendance on the Legislature.

For the contingent expenses of both branches of the Legislature, subject to the draft of the presiding officer of each House, and for the present and last meeting of the Legislature, and for the contingent expenses of the treasury of the upper division, six hundred dollars, if so much be necessary.

V. *And be it further enacted*, That the following sums be appropriated: For Daniel and J. M. Faust, for printing the Acts and Resolutions of

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this adjourned session, and the journals of the Senate, two hundred dollars; and that they be allowed further time until the first day of March, to print and deliver the Acts and Resolutions of December last, as well as of this adjourned session.

For Sweeny & Simé, for printing the journals of the House of Representatives, at this adjourned session, one hundred dollars.

For a Seal and Screw for the court of appeals in Columbia, and for paper cases and other furniture for the consultation room of said court, at Columbia, one hundred and fifty dollars, if so much be necessary, to be expended under the direction of the judges of said court.

In the Senate House, the thirtieth day of January, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-second year of the Independence of the United States.

JACOB BOND P'ON, *President of the Senate.*

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

No. 2447. AN ACT TO AUTHORIZE THE EXCHANGE AND TRANSFER OF A PART OF THE COURT HOUSE SQUARE IN THE TOWN OF CAMDEN.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That that portion of the court house square, in the town of Camden, known by the number one, in the plat of the said town, recorded in the office of the Secretary of State, having fifteen feet front on Broad-street, and running west one hundred and thirty-two feet, and bounding on lot number two, be, and the same is hereby, exchanged with and transferred to William McWillie, in consideration that the said William McWillie shall surrender and transfer to the State, so much of the east side of lot number twenty-four, as is bounded on the north by King's-street, having twenty feet front on the same, and one hundred and seventeen feet in depth; which, when so surrendered and transferred, shall constitute a part of the said court house square.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

No. 2448. A BILL TO ALTER THE CONSTITUTION OF THE STATE OF SOUTH CAROLINA.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the third section of the fifth Article of the Constitution of this State, shall be altered to read as follows, viz :

Section 3. The Governor, Lieutenant Governor, and all civil officers,

shall be liable to impeachment for high crimes and misdemeanors, for any misbehavior in office, for corruption in procuring office, or for any act which shall degrade their official character; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit under this State. The party convicted shall nevertheless be liable to indictment, trial, judgment and punishment, according to law. A. D. 1828.
Impeachments.

Section 4. All civil officers whose authority is limited to a single election district, a single judicial district, or part of either, shall be appointed, hold their office, be removed from office, and in addition to liability to impeachment, may be punished for official misconduct, in such manner as the Legislature, previous to their appointment, may provide. District officers

Section 5. If any civil officer shall become disabled from discharging the duties of his office, by reason of any permanent bodily or mental infirmity, his office may be declared to be vacant, by joint resolution agreed to by two thirds of the whole representation in each branch of the Legislature; *provided*, that such resolution shall contain the grounds for the proposed removal, and, before it shall pass either House, a copy of it shall be served on the officer, and a hearing be allowed him. Office may be declared vacant for disability.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven. We certify that the above Bill has been read, during the present session, three times in the House of Representatives, and three times in the Senate, and was agreed to by two thirds of both branches of the whole Representation.

JOHN B. O'NEALL, *Speaker of the House of Representatives.*

JACOB BOND TON, *President of the Senate.*

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America. We, the President of the Senate and Speaker of the House of Representatives, do certify the foregoing Bill has been read three times on three several days in each House, and agreed to by two thirds of each House, by yeas and nays, in the terms of the Constitution of this State.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

AN ACT to establish certain Roads, Bridges and Ferries.

No. 2449.

(Passed December 20, 1828. *See last volume.*)

AN ACT to regulate the election of Cavalry and Artillery officers throughout this State.

No. 2450.

(Passed December 20, 1828. *See last volume.*)

AN ACT to Incorporate certain Societies.

No. 2451.

(Passed December 20, 1828. *See last volume.*)

A. D. 1828.

No. 2452. AN ACT TO REDUCE THE SALARIES OF THE SEVERAL OFFICERS OF THIS STATE; AND FOR OTHER PURPOSES.

Salaries paid, and when to be paid. I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the several officers of this State hereinafter mentioned, shall be entitled to receive the annual salaries herein specified, in instalments payable at the end of each quarter of the year, and no other compensation, for the performance of all the duties appertaining to their respective offices, that is to say :

Governor. The Governor of the State shall receive the annual salary of three thousand five hundred dollars; and in addition to the said salary, any Governor, who, at the time of his election, shall be a non-resident of the town of Columbia, shall receive the sum of four hundred dollars per annum, for house rent : *Provided* he shall make the said town of Columbia his usual place of residence during the year : but in case such Governor shall not make the said town his usual place of residence during the year, but shall reside there during the session of the Legislature, he shall receive the sum of two hundred dollars for house rent, and no more.

Offices abolished. II. *And be it further enacted*, That the offices of messenger and private secretary of the Governor, be abolished.

Each of the Judges of the Court of Appeals shall receive an annual salary of three thousand dollars.

Each of the Chancellors of the State shall receive an annual salary of three thousand dollars.

Each of the Circuit Law Judges shall receive an annual salary of two thousand five hundred dollars.

The Attorney-general of the State shall receive an annual salary of nine hundred dollars.

Each Circuit Solicitor shall receive an annual salary of seven hundred dollars.

The Comptroller-general shall receive an annual salary of fifteen hundred dollars.

The Clerk of the Comptroller-general, conducting the business of his office in Charleston, shall receive an annual salary of seven hundred and fifty dollars.

The Treasurer of the State, who shall hold his office and reside in Charleston, shall receive an annual salary of two thousand dollars, for discharging the duties of his said office, and for transacting the business of the loan office, and of the five and six per cent. stock of the State, and in compensation of all Clerk's hire.

The Treasurer of the State, who shall hold his office and reside at Columbia, shall receive an annual salary of sixteen hundred dollars, for discharging the duties of his office and in compensation of all Clerk's hire.

The Clerk of the Senate and the Clerk of the House of Representatives shall each receive an annual salary of one thousand dollars.

Each Messenger and each Door-keeper of the Senate and House of Representatives shall receive for their services each two hundred dollars.

The Librarian of the Legislative Library shall receive an annual salary of one hundred dollars.

The Reading Clerks of the Senate and of the House of Representatives shall each receive an annual salary of one hundred and fifty dollars.

The Keeper of the State House shall receive an annual salary of one

hundred dollars, and be allowed to occupy the keeper's house and premises, free of rent.

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For the use of the South Carolina College, thirteen thousand six hundred dollars, to be disposed of in payment of salaries, and for such other purposes as may be directed by the Trustees of the College; the salaries of the President and Professors to be as heretofore established.

The Adjutant-general shall receive an annual salary of one thousand five hundred dollars.

The Arsenal keeper in Charleston shall receive an annual salary of four hundred and fifty dollars.

The Arsenal keepers at Abbeville and Beaufort shall each receive the annual salary of two hundred dollars.

The Pilot for the harbour of Georgetown shall receive an annual salary of three hundred and twenty dollars.

The Physician for the port of Charleston shall receive the annual salary of eight hundred dollars.

III. *And be it further enacted* by the authority aforesaid, That the salaries of all the officers of the Legislature above mentioned, shall be paid on the adjournment of the Legislature, convened under the Constitution, on the fourth Monday of November, in each year. Officers of the Legislature, how to be paid.

IV. *And be it further enacted*, That all Acts and parts of Acts repugnant to this Act, be, and the same are hereby, repealed. Repealing clause.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

WM. HARPER, *Speaker of the House of Representatives.*

AN ACT to repeal an Act entitled "An Act to admit and incorporate private Stockholders in the Bank of the State of South Carolina." No 2453.

(Passed December 19, 1828. See last volume.)

AN ACT TO AMEND THE LAW IN RELATION TO ACTS DONE BONA FIDE UNDER POWERS OF ATTORNEY, AND OTHER AUTHORITIES, AFTER THE DEATH OF THE PRINCIPAL, AND AS TO BILLS AND NOTES PASSED AWAY BONA FIDE AFTER THE DEATH OF THE DRAWER OR INDORSER. No. 2454.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any agent, constituted by power of attorney or other authority, shall do any act for his principal, which would be lawful if such principal were living, the same shall be valid and binding on his estate, although he or she may have died before such act was done: *Provided*, the party treating with such agent dealt bona fide, not knowing, at the time of the doing of such act, that such principal was dead: And that if Act of an attorney in good though principal be dead, if done bona fide, without knowledge of the death.

A D. 1828.

Must be done
in 9 months.

any note or bill, whether filled up before or after having been signed or indorsed, shall be passed away after the death of such drawer or indorser, by an agent duly constituted in his or her life time, the same shall be valid and binding on his or her estate, in like manner as though he or she had not died before such passing away: *Provided*, the receiver of such note or bill received the same bona fide, without a knowledge of such death, and that the act of the agent would have been binding on the principal if it had been done before such death: *And provided also*, the act to be done either under the power of attorney or authority, or in relation to the bill or note, be done within nine months after the death of the principal, or of the drawer or indorser of such note or bill.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

WM. HARPER, *Speaker of the House of Representatives.*

No. 2455. AN ACT TO PERMIT ELEONORE MOIRIE F. DE FAY LATOUR MAUBOURG HORRY, THE WIDOW OF A NATIVE CITIZEN OF THIS STATE, TO TAKE CERTAIN LANDS WITHIN THE SAME.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful for Eleonore M. F. de Fay L. T. Maubourg Horry, the widow of the late Daniel or Pinckney Horry, a native citizen of this State, (by and with the consent of his next of kin,) to take and hold, free from all liability to escheat, all the lands of which her aforesaid husband died seized, possessed or entitled to, and to alien and transfer the same as full as though she were a naturalized citizen of this State.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

WM. HARPER, *Speaker of the House of Representatives.*

No. 2456. AN ACT TO VEST IN THE TRUSTEES OF THE NEWBERRY ACADEMY THE ESCHATEATED PROPERTY IN THE DISTRICT OF NEWBERRY.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, that all the property, either real or personal, which now is, or may hereafter be, escheated to the State, in the district of Newberry, be, and the same is hereby, vested in the trustees of the Newberry Academy, and their successors in office, for the use of the said Academy.

II. *And be it further enacted* by the authority aforesaid, That nothing contained in this Act shall be construed to prevent the State from remitting or releasing escheats in the said district. A. D. 1828.

III. *And be it further enacted* by the authority aforesaid, That the rights granted by this Act shall cease and determine so soon as the said corporation shall have received the sum of ten thousand dollars.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

WM. HARPER, *Speaker of the House of Representatives.*

AN ACT TO DEFINE AND ESTABLISH THE GAOL BOUNDS FOR THE DISTRICT OF CHARLESTON. No. 2457.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the gaol bounds for the district of Charleston, shall be, after the first day of February next, as follows, viz : On the west, the river at low water mark; on the south, the south line of Broad-street; on the east, the east line of Meeting-street; and on the north, the north line of Wentworth-street; and that all Acts and parts of Acts heretofore passed, repugnant hereto, be hereby repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

WM. HARPER, *Speaker of the House of Representatives.*

AN ACT TO INCREASE THE AMOUNT OF THE BONDS TO BE GIVEN BY CERTAIN TAX COLLECTORS IN THIS STATE. No. 2458.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the tax collectors for the several districts and parishes hereinafter named, who have been elected during the present session of the Legislature, or may hereafter be elected, shall give bond to the State of South Carolina in the sums following, that is to say : The tax collector for St. Bartholomew's parish, in the sum of twenty thousand dollars; the tax collector for Claremont, in the sum of twelve thousand dollars; the tax collector for Newberry, in the sum of twelve thousand dollars; the tax collector for Chester, in the sum of ten thousand dollars; the tax collector for St. John's Berkley, in the sum of twelve thousand dollars; the tax collector for St. Peter's, in the sum of ten thousand dollars; the tax collector for St. Luke's, in the sum of twelve thousand dollars; the

A. D. 1828.

tax collector for Prince George Winyaw, in the sum of twenty thousand dollars; the tax collector for Clarendon, in the sum of ten thousand dollars; the tax collector for St. Matthew's, in the sum of seven thousand dollars; the tax collector for Union, in the sum of eight thousand dollars; the tax collector for Prince William's, in the sum of ten thousand dollars; the tax collector for St. Philip's and St. Michael's, in the sum of seventy thousand dollars; the tax collector for Orange, in the sum of seven thousand dollars; and the tax collector for Laurens district, ten thousand dollars.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

WM. HARPER, *Speaker of the House of Representatives.*

No. 2459. AN ACT to arrange the several Courts of Common Pleas and Sessions in the State, into five Circuits, and to fix the times for holding the same.

(Passed December 19, 1828. *See last volume.*)

No. 2460. AN ACT TO DECLARE AND ESTABLISH THE DIVIDING LINE BETWEEN THE PARISHES OF ORANGE AND ST. MATTHEWS.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the line run and marked from the head of the Four-holes to Beaver creek, by the commissioners appointed by a resolution of the Legislature, passed the tenth day of December, one thousand eight hundred and twenty-seven, to run and mark the same, be, and the same is hereby declared, the dividing line between the parishes of Orange and St. Matthew's.

II. *And be it further enacted* by the authority aforesaid, That the original plat of the said line be deposited in the office of the Secretary of State at Columbia, and that a copy thereof be recorded in the Surveyor-general's office.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. HEAS, *President of the Senate.*

WM. HARPER, *Speaker of the House of Representatives.*

A. D. 1828.

AN ACT TO AMEND THE ESCHEAT LAWS, IN RELATION TO THE WIDOWS OF CITIZENS OF THIS STATE. No. 2461.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That no lands of which any citizen of this State shall die seized, possessed or interested in, shall vest in the State, or be liable to escheat, where such person shall have left a widow, a resident of the State, although such widow shall not have become a naturalized citizen; but the said land shall pass by will or descent to such widow, in the manner already provided by law.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. DEAS; *President of the Senate.*

WM. HARPER, *Speaker of the House of Representatives.*

AN ACT DIRECTING A CENSUS TO BE TAKEN OF THE FREE WHITE INHABITANTS OF THIS STATE. No. 2462.

WHEREAS, by the third Section of the first Article of the Constitution of this State, as amended on the seventeenth day of December, one thousand eight hundred and eight, it is provided, that, for the purpose of an apportionment of the representation of the several election districts of the State, an enumeration of the white inhabitants shall be made every tenth year, in such manner as shall be by law directed:

Preamble.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of carrying into effect the said provision of the Constitution, in regard to taking the census of all the free white inhabitants of this State, a fit and proper person shall be appointed by joint resolution of both branches of the Legislature, during the present session, in each and every circuit court district throughout this State, for taking the same; and in case any person appointed as above shall refuse to accept such appointment, or a vacancy shall happen in any appointment previously accepted, by death, resignation, or otherwise, the Governor for the time being shall forthwith appoint some fit and proper person to fill such vacancy; and it shall be the duty of each and every person so appointed to make a faithful, accurate and distinct census of all the free white inhabitants residing in each and every election district contained within the circuit district for which he shall have been appointed, so far as the whole or any part of the several election districts shall be contained therein; and each and every person appointed as aforesaid, shall, in making a return of the census he shall be appointed to take, designate and specify, on oath or his religious affirmation, (to be taken before and certified by a justice of the quorum,) the number of free white inhabitants residing in each and every election district, or part of an election

A. D. 1828.

Returns to be made.

district, contained in the judicial district for which he shall have been appointed.

II. *And be it further enacted* by the authority aforesaid, That each and every person as aforesaid appointed to take the census in the several circuit court districts in this State, shall, on or before the first day of August next, deliver their several returns at the respective offices of the Secretary of State, carefully sealed, certified, and directed to his Excellency the Governor, to wit; those residing in the upper division of the State, at the office of Secretary of State in Columbia, and those residing in the lower division of the State, at the office of Secretary of State in Charleston.

Returns to be examined by the Governor.

III. *And be it further enacted* by the authority aforesaid, That the Governor for the time being, shall, as early as possible after the first day of August next, examine what returns have been made; and in case it shall appear to him that any person or persons appointed to take the census as aforesaid, shall in any wise have failed in complying with the duties imposed upon him or them by this Act, either in taking the census or in making a return of the same, he shall forthwith cause the same to be taken and returned pursuant to the provisions of this Act, in every election district or districts where such defaults shall or may be made.

Compensation to be received.

IV. *And be it further enacted* by the authority aforesaid, That each and every person so appointed and employed, and who shall have completed the census in the respective circuit court districts, shall receive a reasonable compensation therefor.

Oath to be taken on entering on the duties of office.

V. *And be it further enacted* by the authority aforesaid, That each and every person appointed to take the census, shall, before entering on the duties of his office, take, before some justice of the quorum, the following oath, to wit: "I, A B, do solemnly swear, (or affirm, as the case may be,) that I will honestly, truly, faithfully and impartially, take a correct census of all the free white inhabitants residing within the election district of ———, or part of the election district contained within the ——— circuit court district. So help me God." And a certificate from the justice of the quorum who shall administer the said oath, that the same hath been duly taken before him, shall accompany and be delivered in with each and every return of the census.

Oath to accompany each return.

VI. *And be it further enacted* by the authority aforesaid, That the following oath shall be taken before some justice of the quorum, and a certificate indorsed by the said justice on the back of the return from each election district, purporting that the said oath hath been duly taken before him, previously to such return being delivered in or received at the office of the Secretary of State, either in Columbia or Charleston, to wit: "I, A B, do solemnly swear, (or affirm, as the case may be,) that this packet contains a just, true, correct and impartial return of all the free white inhabitants residing in the district to which I have been appointed, as taken by me. So help me God."

Returns, how to be made in case of sickness.

VII. *And be it further enacted* by the authority aforesaid, That in case any person who shall or may be appointed under this Act, for taking the census in any part of this State, should, by sickness, or other imperious or unavoidable cause, be prevented from delivering in at the proper and respective offices of the Secretary of State, a return of the census so by him made, in manner and form as aforesaid, then, and in that case, he shall transmit, by some faithful and responsible person, the return of the census which he shall have taken within the election district for which he was appointed; and the person or persons by whom any return as aforesaid may be transmitted, shall, on delivering the said return at the proper

office of the Secretary of State, take, before the Secretary of State, or his deputy, (as the case may be,) the following oath, to wit: "I, A B, do swear (or affirm,) that I received this sealed packet from the hands of C D, and that the same hath not been opened, or in any wise altered, or out of my possession, since it was received by me. So help me God." A. D. 1828.

VIII. *And be it further enacted* by the authority aforesaid, That each and every head or master of a family, shall, when summoned thereto by the person appointed under this Act to take the census in his, her or their election district, make, on oath or religious affirmation, a correct return of all and every free white person of whom his family is composed, under the penalty of twenty dollars. Returns to be made on oath.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

WM. HARPER, *Speaker of the House of Representatives.*

**AN ACT TO PROVIDE FOR THE PAYMENT OF JURORS AND CONSTABLES, No. 2463.
IN CERTAIN CASES.**

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That those persons who were summoned to attend, and did attend, to serve as Jurors and Constables to be paid. constables, grand and petit jurors, at the Spring Term of the courts of the northern circuit, and the Fall Term of the eastern and south.eastern circuits, in the year eighteen hundred and twenty-eight, shall be entitled to receive from the clerk of the court where they attended, a constable's or juror's certificate, upon their making oath before such clerk of the number of days which they severally attended.

II. *And be it enacted* by the authority aforesaid, That all certificates granted by the clerk of any court pursuant to this Act, shall be payable at the treasury, without being countersigned by a judge.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

AN ACT REGULATING ASSIGNMENTS OF DEBTORS.

No. 2464.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, whenever any debtor shall assign his or her property, for the benefit of his or her creditors, it shall be lawful for the said creditors, and they are hereby authorized Creditors to appoint agents.

A. D. 1828.

and empowered, to name and appoint an agent or agents equal in number to the assignees, to act in their behalf, jointly with the assignee or assignees named and appointed by the assignor.

Creditors to be called together.

II. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the assignee or assignees, within ten days after the execution of the deed of assignment, to call the creditors together, to proceed to the appointment of their agent or agents; and all sales and transfers of property made by the assignee or assignees prior to the appointment of the agent or agents of the creditors, are hereby declared void and of no effect. And in case the assignee or assignees delay, neglect or refuse to assemble the creditors within the time herein prescribed and limited, it shall be lawful for the creditors to meet and appoint their agent or agents; and the said agent or agents, on application to, and by order of any of the judges of the courts of law or of equity, shall take into his hands and possession all the property assigned, and of which the assignee would by law be entitled to the possession, and shall sell and dispose of the same, agreeably to the deed of assignment.

Majority of debts represented, to govern.

III. *And be it further enacted* by the authority aforesaid, That in the appointment of the agent or agents, the majority in amount of the debts represented by the creditors present at the meeting shall govern; and the agent or agents so appointed shall have equal power and authority with the assignee or assignees, to sell and dispose of the property assigned, and distribute and pay the proceeds, according to the intent and provisions of the deed of assignment; and all sales, hypothecations or other transfers of property, whether real or personal, shall be void and null, unless made with the consent and concurrence of the assignee or assignees, and agent or agents, or a majority of them; and should the assignee or assignees and agent or agents be equally divided on any question, the same shall be decided by an umpire, appointed as is hereafter provided; *provided nevertheless*, that should the creditors as aforesaid refuse or neglect to appoint an agent or agents, in ten days after they have been called together by the assignee or assignees, the assignee or assignees may forthwith proceed to sell or otherwise dispose of the assigned effects, without the concurrence of the said creditors.

Proceeds of sales to be deposited in the Bank.

IV. *And be it further enacted* by the authority aforesaid, That the proceeds arising from the sales of the property assigned shall be deposited for safe keeping in the Bank of the State of South Carolina, or any of its branches, in the joint names of the assignee or assignees, and agent or agents, and subject to their joint drafts.

Umpire to be appointed in case of disagreement.

V. *And be it further enacted* by the authority aforesaid, That in case of disagreement between the assignee or assignees and agent or agents, any of the judges of the court of law or of equity, at Chambers, shall, on application of either of the parties, decide, and if deemed necessary, name and appoint an umpire to act jointly with the assignee or assignees and agent or agents.

Statement of proceedings to be made every three months.

VI. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the assignee or assignees, and agent or agents, to lay, every three months, before the creditors, or such committee as they may appoint, an exact statement of their proceedings; the creditors, or their committee, may, however, call the assignee or assignees, and agent or agents, oftener to account; they may also direct and prescribe the time and mode of selling, and the terms of sale, order a distribution of the assets on hand, and a final close of the concern; and in case of need, may revoke and dismiss their agent or agents, and name and appoint another in his stead; and the said assignee or assignees, and agent or agents, failing or neglecting to lay

the statement of their proceedings before the creditors or their committee, as herein directed, or whenever called on, or to obey or abide by their directions, shall be answerable for all damages resulting from their refusal or neglect, and forfeit the commission they might otherwise be entitled to. A. D. 1828.

VII. *And be it further enacted* by the authority aforesaid, That the commission due and owing to the assignee or assignees, and agent or agents, for their trouble and labor, shall be five per centum on receiving, and two and a half per centum on paying, to be equally divided between them, that is to say, one half to the assignee or assignees, and the other half to the agent or agents. Commission allowed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE LICENSING OF PHYSICIANS TO PRACTISE; AND FOR OTHER PURPOSES THEREIN MENTIONED." No. 2465.

I. *Be it enacted* by the Senate and House of Representatives, That from and after the passing of this Act, neither of the Medical Boards created by virtue of the Act entitled "An Act to regulate the licensing of Physicians to practice, and for other purposes therein mentioned," shall grant a license to practise physic and surgery to any person who shall apply for the same, unless he have a diploma from some Medical Institution, or pass an examination by the Faculty of the Medical College of Charleston.

II. *And be it further enacted*, That so much of the above recited Act as is repugnant to this Act, be, and the same is hereby, repealed.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

AN ACT TO PREVENT THE BURNING OF HOUSES AND BUILDINGS, AND OTHER PROPERTY THEREIN MENTIONED, IN THE DAY TIME. No. 2466.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, That if any person or persons, after the first day of March next, shall maliciously, unlawfully and wilfully burn, or cause to be burnt or destroyed, any ricks or stacks of corn or grain, barn or other house, or other buildings or kilns, in the day time, such person shall be adjudged guilty of a misdemeanor, and liable to be fined and imprisoned in the discretion of the court, for said offence.

A. D. 1828.

II. *And be it further enacted by the authority aforesaid, That all Acts and parts of Acts contrary to the true intent and meaning of this Act, be, and the same are hereby, repealed.*

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

No. 2467.

AN ACT CONCERNING THE PUBLIC WORKS OF THE STATE.

I. *Be it enacted by the Senate and House of Representatives, That* there shall be established eight toll gates on the State Road between the six mile house, above Charleston, and the Columbia bridge, at or near the following points, that is to say: at or near Mrs. Vance's, or Goose Creek bridge; at or near the Wasmasay causey; at or near Dean swamp causey; at or near Horse Range, or Providence causey; at or near the causey at Godby Hole; at or near Zimmermann's; at or near Beaver creek; and at or near Savannah Hunt. But in case the gate at Vance's shall be established below the Dorchester road, which unites with the State road at that place, then the travelling that falls on the State road from the Dorchester road, shall pay only half the toll established at that gate. The said four upper gates shall be put up so soon as the said roads are completed and received.

Rates of toll.

II. *And be it further enacted by the authority aforesaid, That at each* of the gates aforesaid, except Vance's, the following rates of toll are established, that is to say:—for every carriage with four wheels, for the conveyance of persons, (except stage coaches running regularly on the road,) drawn by four horses or mules, fifty cents; if drawn by three horses or mules, thirty seven and a half cents; if by two horses or mules, twenty-five cents; if drawn by one horse, twelve and a half cents. For every other carriage with four wheels, including stage coaches running regularly on the road, drawn by six horses, oxen or mules, thirty-seven and a half cents; if drawn by five horses, oxen or mules, thirty-one and a quarter cents; if drawn by four horses, oxen or mules, twenty-five cents; if drawn by three horses, oxen or mules, eighteen and three-quarter cents; for every other carriage, twelve and a half cents; for every person on horseback, six and a quarter cents; for every led horse, three cents; for every horse or mule in drove, two cents; for every head of cattle, two cents; and for every hog, sheep or goat, one cent; but at Vance's, the rate of toll shall be double the rates at the other gates.

Tolls, how to be paid.

III. *And be it further enacted by the authority aforesaid, That all* tolls shall be paid before passing the gate, in gold or silver coin, or in the bills of the incorporated banks of this State, receivable at the treasury. The collector shall make change of all bills and coins under five dollars, except for six and a quarter and five cent bills or pieces of coin, which shall always be paid by the traveller when a less sum may be due by him to the collector.

Certain carriages exempt from toll.

IV. *And be it further enacted by the authority aforesaid, That until the* first day of February, in the year of Lord one thousand eight hundred and thirty, all carriages passing any toll gate on the State road between the

Columbia bridge and the Six Mile House, the tires of whose wheels are six inches wide or wider, shall pass the said gate free from toll.

A. D. 1828.

V. *And be it further enacted* by the authority aforesaid, That for one year from the fifteenth day of February next, it shall be the duty of the Superintendent of Public Works to appoint collectors of tolls at the several gates aforesaid, taking good and approved security for the faithful performance of the duties of their several offices, who shall account with the said Superintendent for the said tolls, and pay the same to him at the end of each month, or oftener if required. And so much of the said tolls as may be necessary, shall be expended in keeping the road in order, paying for extra work done on it, and for lands taken for the said road; and the balance shall be paid into the public treasury. But from and after the expiration of one year from the first day of February next, the said gates shall be leased out, and the road kept in repair according to the Act of the Legislature, passed on the seventeenth day of December, one thousand eight hundred and twenty-four, entitled "An Act concerning the State roads, and for the preserving and protecting the same." The leases shall be made at the toll gates, after one month's public notice, to the highest bidder, who shall give the security required by law.

Toll keepers to be appointed.

VI. *And be it further enacted* by the authority aforesaid, That there shall be a gate established on the Camden road, near the Santee river, so soon as the causey there shall be finished, at which a rate of toll shall be established double the rates at the toll gate at or near Dean swamp.

Toll gate near Camden.

VII. *And be it further enacted* by the authority aforesaid, That there shall be established on the Saluda Mountain road one toll gate between the forks of the road at Hodge's, and the top of Rocky Hill, at which the rates of toll heretofore collected shall be established; and the Superintendent of Public Works is hereby authorized, for one year from the first day of April next, to appoint a collector of tolls at the said gate, and to keep the road in order, out of the proceeds thereof, paying the balance into the public treasury; and after that period the leases of the said gate may be made for three years.

Toll gate on the Saluda Mountain road.

VIII. *And be it further enacted* by the authority aforesaid, That there shall be established on the Buckhead causey one toll gate, with a rate of toll double the rate established at Dean swamp toll gate on the State road; and the Superintendent of Public Works is authorized, for one year from the first day of April next, to appoint a collector of tolls, and to keep the causey and road in repair, and to pay the contracts made for extending this road, out of the proceeds of said tolls.

Toll gate on Buckhead causey.

IX. *And be it further enacted* by the authority aforesaid, That on the Camden road, and on the State road above Goose Creek bridge, up to the Columbia bridge, the width of land taken for said roads is hereby declared to be fifty feet, that is to say:—extending twenty-five feet on each side from the centre of the road as constructed; and below Goose Creek, the width shall be sixty feet; and all the land so declared to be taken is hereby vested in the State for the purposes of such roads; *provided*, That no land is hereby intended to be vested in the State which is now occupied by the dwelling or out houses of any citizen residing thereon.

Width of roads.

X. *And be it further enacted* by the authority aforesaid, That if any person shall cut down or otherwise destroy any trees growing, or hereafter to be planted by the Superintendent, or by his direction or permission, within the limits thus vested in the State for the roads aforesaid, such person, for every tree so cut down or destroyed, shall pay a fine not exceeding twelve dollars, nor less than five dollars, to be recovered before any justice of the peace of the district where such offence may be committed.

Penalty for injuring trees planted on the roads.

A. D. 1822.

Penalty for injuring mile stones.

XI. *And be it further enacted* by the authority aforesaid, That if any person shall break down, deface or otherwise injure any mile stone or other fixture to mark the distance on any of the roads constructed at the expense of the State, for every mile stone or fixture so broken down, defaced or injured, he or she shall pay a fine not exceeding twelve dollars, nor less than five dollars, to be recovered before any justice of the peace of the district where such offence may be committed. The fines collected under this and the preceding clause shall be paid, one half to the informer, and such informer shall be a competent witness to prove such offence, and the other half to the funds of the road whereon such offence shall be committed.

Mile Posts to be put on the roads.

XII. *And be it further enacted* by the authority aforesaid, That the Superintendent of Public Works is hereby directed to cause the said State road to be accurately measured and marked off in miles, by lightwood posts, and to report to the next Legislature the cost of supplying the places of these posts with granite mile stones, beginning said measurement at the upper boundary of the city of Charleston.

Superintendent not to sell lands vested in him.

XIII. *And be it further enacted* by the authority aforesaid, That the Superintendent of Public Works shall not be permitted to sell any of the lands vested in him by virtue of his office, or any lands on the said roads in which the State may have an interest, until he shall have reported the contract offered therefor, and the same shall have been approved of by a joint resolution of both branches of the Legislature.

Rates of toll at the several Canals.

XIV. *Be it further enacted* by the authority aforesaid, That the following rates of toll are hereby established for the passage of boats through any part of the following canals and the locks thereof, that is to say:—On the Laudsford, Catawbs, Rocky Mount, Wateree, Lockhart's, Drehr's and Saluda canals: For every boat loaded with cotton, one cent on each bale of cotton, for each lock, excepting the guard lock; for every boat loaded otherwise than with cotton, thirty-seven and a half cents for each lock except the guard lock; for every empty boat, twelve and a half cents for each lock except the guard lock; for the passage of every raft of lumber, boards or ranging timber, twenty-five cents for each lock except the guard lock, on each of the canals of this State. Where the rafts are so short that two or more shall pass the lock at the same time, they shall be charged as a single raft. When a boat shall be loaded with less than thirteen bales of cotton, it shall pass as an empty boat. Where a boat shall be loaded with less than one ton, it shall pass as an empty boat; and where there shall be any doubt as to the weight of the load, the patroon of the boat shall produce the invoice, shewing the weight, or in default thereof the lock-keeper shall decide on the weight without any appeal from his decision. On the Columbia canal, the following rates of toll, for the passage of boats through any part of the same, and the locks thereof, are hereby established:—for every boat loaded with cotton, one cent on each bale of cotton, for each lock except the guard lock; but boats loaded with less than twenty-five bales of cotton shall pay one dollar. For boats loaded otherwise than with cotton, the following rates of toll are required: where the beam of the boat exceeds nine feet eight inches, four dollars; where the beam of the boat is less than nine feet eight inches, and more than seven feet eleven inches, three dollars; where the beam of the boat is less than eight feet, two dollars; for each empty boat passing the locks, one dollar, or twenty-five cents for each lock. Each boat passing the Bull sluice lock shall pay thirty-seven and a half cents. But whenever, in the opinion of the Superintendent of Public Works, a higher rate of toll may be necessary to raise a revenue adequate to meet the entire expense of all the canals, and their repair, it

Rates of toll at the Columbia Canal.

shall be lawful for him to increase the said rates; *provided*, such increase shall not exceed fifty per cent of the foregoing rates; and it shall be his duty to report such increase to the next Legislature.

A. D. 1828.

XV. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the Superintendent of Public Works to carry into execution the contract with Mr. Nelson, for lands sold him on the Wateree; but that no other sales shall be effected by him until the contract offered is reported to the Legislature, and approved by a joint resolution of both branches thereof.

Contract with Mr. Nelson.

XVI. *And be it further enacted*, That the Superintendent of Public Works shall advertise for offers to lease the water power which these canals afford, and shall, on receiving such offers, report them to the Legislature, with all the terms and conditions of such offers, and his opinion of the advantages and probable effect thereof on the works; when any such offer shall be approved by a joint resolution of both branches of the Legislature, he shall make the contracts accordingly, which shall thereupon be subject to the provisions of an Act passed on the twentieth of December, one thousand eight hundred and twenty five, entitled "An Act concerning the canals of this State, and for other purposes;" and also subject to the further provision, that the contract shall be *ipso facto* void, in case it shall not contain a stipulation, that no water shall be used, under such contract, which may reduce the water in the canal below the top of the waste wier, or where there is no waste wier, below the top of the upper gate of that level from which such use is authorized.

Water power to be leased.

XVII. *And be it further enacted* by the authority aforesaid, That the Superintendent of Public Works be, and he is hereby, authorized and required to convey to James Wallace, his heirs and assigns, such lands situated on the Columbia canal, as in the report of the committees of Internal improvement, concurred in by both branches of the Legislature at the present session, are recommended to be conveyed to him, subject to all the conditions and provisions of the said report.

Land to be conveyed to J. Wallace.

XVIII. *And be it further enacted* by the authority aforesaid, That the suit instituted by the Superintendent of Public Works against Richard Appleby and Elijah Brothers, be discontinued, and the said Elijah Brothers be discharged from his securityship on the payment of the costs of the said suit.

Suit against R. Appleby to be discontinued.

XIX. *And be it further enacted* by the authority aforesaid, That the Attorney General be, and he is hereby, directed to extend indulgence to William Owens on his bond to which William Riggs and — Rudd are sureties, conditioned for the payment of eleven hundred and two dollars, he, the said William, paying one half of the said principal and the whole interest due thereon, on or before the first day of January, in the year of our Lord one thousand eight hundred and thirty, and the other half, with interest, in one year from that date; he, the said William, procuring the consent of his sureties within three months from the passing of this Act.

Indulgence granted to W. Owens.

XX. *And be it further enacted* by the authority aforesaid, That David R. Williams, his heirs and assigns, being owners of the plantations on Pee Dee river, at the Whirlagig and opposite Gregg's seine yard, be, and they and each of them are hereby, authorized to erect and keep up jetties or other works in the said river, so as to prevent the water from wearing away the banks, and encroaching on the embankments erected and erecting by him, to protect his plantation from freshets; *provided*, the said work shall not extend into the river more than thirty feet, measuring from the margin of the river at low water mark; *and provided*, that he or they do erect and keep at the end of each jetty, buoys, so as to mark the said end

David R. Williams authorized to erect jetties on Pee Dee river.

A. D. 1822.

provided nevertheless, that in case that it shall hereafter be found that the works so constructed are injurious to the navigation of Pee Dee river, it shall be in the power of the Legislature to order them to be removed at the expense of the proprietors of the said plantations; *and provided also*, that nothing in this Act shall be construed so as to exempt the said David R. Williams, his heirs and assigns, from liability for damages which may be sustained by the individuals owning lands on the other side of the river, opposite to the said works, in consequence of the erection thereof, in the same manner as if this Act had never been passed.

XXI. *And be it further enacted* by the authority aforesaid, That each Toll collectors and every of the toll collectors of the several canals of the State shall to keep books. keep a book, in which shall be entered a daily account of all the boats, rafts and other craft, which pass any of the gates of their respective canals, specifying the size and character of the said boats, rafts and other craft, and the account of the toll receivable therefrom: which book shall always be open to the inspection of the Superintendant of Public Works.

XXII. *And be it further enacted*, That the Superintendant of Public Works shall forthwith, proceed to enforce the contracts entered into with the Superintendant, respecting the navigation of Saluda and Seneca rivers, to be enforced. and report at the next session of the Legislature.

Bonds to be proved and deposited in the Treasury.

XXIII. *And be it further enacted* by the authority aforesaid, Whenever any toll gate on any of the roads of this State shall be leased under the Act of the Legislature, passed on the seventeenth day of December, one thousand eight hundred and twenty-four, entitled "An Act concerning the State roads, and for preserving and protecting the same," the bond taken to secure the amount to be paid for the said gate, shall be proved before a justice of the peace, and shall then be deposited in the treasury of the upper division; and in case the lessee of the gate shall neglect to pay the amount secured by such bond, within three months after the same shall become due, the Treasurer of that division, under the direction of the Comptroller-general, shall issue execution therefor against the said lessee, in the same manner as executions are issued against tax collectors making default to pay over taxes collected by them; and that suits be immediately brought against the sureties.

XXIV. *And be it further enacted* by the authority aforesaid, That each and every collector of tolls, and each and every lessee of a toll gate, shall An account to be kept of travelling. keep a book, in which shall be daily entered all the travelling through the said gate, on which toll by law is demandable, which book shall be in the form and be kept in the manner as the books now used at the gates on the State road; and the same shall be at all times open to the Superintendant of Public Works.

XXV. *And be it further enacted* by the authority aforesaid, That the River, near the Broad river dams, to be cleared of fish traps. whole bed and channel of the river below the Broad river dams, at the head of the Columbia canal, to the distance of fifty yards below the islands with which the said dams are connected, together with the spaces between the said islands and between the main land and the said islands, shall be cleared of all fish traps, dams, and other devices for catching fish; and the commissioners of fish sluices for Broad river are hereby authorized and required to cause these limits to be designated; and every trap, dam, or other device for fishing, erected or to be erected within the limits so ordered to be cleared, be, and the same is declared to be, a public nuisance, and may be abated as such; and if any person shall erect such dam, trap, or other device for fishing, within the said limits, he shall be fined for every

such offence in the sum of twelve dollars, to be recovered before any justice of the peace of Richland or Lexington districts, one half to be paid to the informer, and the other half to the funds of the Columbia canal. A. D. 1828.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT No. 2468.
HUNDRED AND TWENTY-NINE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums, and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, for the use and service thereof; that is to say, Thirty-seven and a half cents ad valorem on every hundred dollars, of the value of all lands granted in this State; the sum of seventy-five cents per head on all slaves of every description; and the sum of two dollars on all free negroes, mulattoes, and mestizoes, (except such as shall be clearly proved, to the satisfaction of the collectors, to be incapable, from maims or otherwise, of providing a livelihood,) between the ages of fifteen and fifty; and thirty-seven and a half cents ad valorem on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough; and seventy-five cents per hundred dollars, on factorage employment, faculties and professions, whether in the profession of the law the profits be derived from costs of suit, fees, or other sources of professional income, and on the amount of commissions received by vendue-masters and commission merchants, (clergymen, schoolmasters, schoolmistresses and mechanics excepted;) to be ascertained and rated by the assessors and collectors throughout this State, according to the best of their knowledge and information; to be paid in specie, paper medium, or the notes of the specie paying banks of this State. Tax to be raised on lands, negroes, &c. to be paid in notes of the incorporated Banks of this State, &c.

II. *And be it enacted*, That any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay, for the use of the State, a treble tax on the same; but this clause shall not be construed to extend to any person sent, or to be hereafter sent, abroad in the service of this State, or the United States, until one year after the expiration of his commission. Absentees to pay treble.

III. *And be it enacted*, That all persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of five dollars per day, before making such exhibitions; which sums shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay the same over into the public treasury annually; and in case of non-payment, the clerk of the court, or any justice of the peace or quorum, is hereby authorized and required to issue an execution, for double the amount of the tax, directed to any sheriff or constable of the district, against the Tax on plays and shows.

A. D. 1828.

body or goods of the person or persons liable to pay the said tax ; provided, that nothing herein contained shall be construed to extend to any incorporated town or city.

Tax on stock
in trade.

IV. *And be it enacted*, That seventy-five cents shall be levied on every hundred dollars worth of goods, wares and merchandize, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States, excepted,) which any person shall use or employ as articles of trade, or for sale, barter or exchange, or have in his, her or their possession, on the first day of January, in the year of our Lord one thousand eight hundred and twenty-nine, either on his, her or their own account, or purchased by his, her or their own capital, or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; to be assessed by the assessors and collectors throughout this State, according to the best of their knowledge and information; and that every person or persons making return of such goods, wares or merchandize, to a tax collector, shall take the following oath or affirmation; "I, A. B. do solemnly swear, (or affirm) that the return which I now make, is, to the best of my knowledge and belief, a just and true return of the amount or value of all the goods, wares and merchandize, (the products of this State, or the unmanufactured products of any of the United States, excepted,) which I held in my possession on the first day of January, one thousand eight hundred and twenty-nine, for sale, barter or exchange, either on my own account, or upon borrowed capital, or on account of others, as agent, attorney or consignee. So help me God."

Oath.

Defaulting col-
lectors to pay
5 per cent a
month.

V. *And be it enacted*, That if any tax collector shall refuse or neglect to make his return, and pay the taxes, within the time prescribed by law, which had been received by him, it shall be the duty of the treasurer, within whose division such default shall be made, in addition to the coercive power which they now possess, to charge the said collector with the interest, at the rate of five per cent per month, from the time he ought to have made such return and paid the taxes, to the time of such settlement.

Information to
be given of
property sold.

VI. *And be it enacted*, That it shall be the duty of every taxable inhabitant of this State, who shall, since the first day of October, one thousand eight hundred and twenty-seven, and prior to the first day of October last, have sold or transferred the possession of any real or personal property liable to tax, (except stock in trade) to give information, at the time of making his next return, of such sale or transfer, and the name of the person to whom sold or transferred, to the tax collector of the district in which he may reside, to the end that the tax collectors may be better enabled to collect the public dues.

Tax on persons
who sell
Lottery tickets.

VII. *And be it enacted*, That after the passing of this Act, no person shall open or keep any office for the sale of lottery tickets, in any other lottery than such as may be authorized by the laws of this State, unless such person shall have first paid to the collector of the parish or district a tax of one thousand dollars for such privilege; and if any person shall open or keep any office for the sale of lottery tickets, or shall sell, or offer for sale, any lottery tickets, without having paid said tax, such person, on conviction thereof by indictment, shall forfeit and pay two thousand dollars; and it shall be the duty of the tax collector of the district or parish in which such office shall be kept, or in which such lottery tickets may be sold, or offered for sale, to prosecute all persons who shall offend against the provisions of this Act.

VIII. *And be it enacted*, That the Phoenix Insurance Company be,

and they are hereby, authorized and permitted to underwrite any policies of insurance, of any kind whatsoever; and of any value, as fully and completely as they were permitted to do anterior to the Act for the year one thousand eight hundred and fourteen; *provided*, the said company pay, into the treasury of this State, two thousand dollars.

A. D. 1828.

Phoenix Insurance Company allowed to underwrite.

IX. *And be it enacted*, That a tax of six per cent be paid on the amount of all premiums arising from any insurance, or contract for insurance, against losses by fire, effected in this State, with the agents of any individual, or association of individuals, whose property or capital stock is out of the limits of this State, and not subject to its taxation; and all persons acting as agents for the aforesaid purpose, and who may refuse or neglect to make a return of the amount of premiums received by him or them, shall be double taxed.

Tax on premiums of insurance on foreign capital.

X. *And be it enacted*, That the treasurer of each division be, and he is hereby, authorized and required to pay all appropriations, made for and on account of any officer of this State, or other appropriation, within his division; except the officers of each branch of the legislature, who shall be paid by the treasurer of the upper division, at the end of the session of the legislature; and except the pay bills of the members of the legislature, which shall be paid on presentment at either of the treasuries; and it shall be the duty of either of the treasurers, whenever he shall make any payment, to take a duplicate receipt, and forward the same to the comptroller-general, with his monthly report.

Salaries how to be paid.

XI. *And be it enacted*, That if any transient person or persons not resident in this State, shall at any time sell, or expose to sale, any goods, wares or merchandize whatsoever, in any house, stall or public place, after the first day of January in each year, such person shall make return upon oath, within ten days after commencing to sell as aforesaid, of the whole amount of the stock in trade he may have possessed at that time, to the tax collector of the district or parish in which the said goods, wares or merchandize shall have been or may be sold or exposed to sale; and if any person shall neglect or refuse to make such return as aforesaid, within the time prescribed above, he shall, on conviction thereof by indictment, forfeit and pay the sum of not more than one thousand dollars; unless such person shall have paid for and procured a license according to the provisions of an Act entitled "An Act to increase the price of license to hawkers and pedlars."

Goods of transient persons taxed.

XII. *And be it further enacted*, That it shall be the duty of such tax collector to proceed to collect, from such person so selling as aforesaid, the tax required by law to be paid on stock in trade, within five days after receiving such return.

Said tax to be collected within five days.

XIII. *And be it enacted* by the authority aforesaid, That the Intendant and Wardens of the town of Cheraw be authorized to levy and assess upon the real and personal estate of the citizens of the said town, such sum as may be necessary to defray the amount which the said town was indebted, when the Act of one thousand eight hundred and twenty-seven, exempting the same from taxation, was passed; and the said last mentioned Act be suspended for three years from the first day of March next; *provided*, the amount thus levied and collected in the three years shall not in the whole exceed twelve hundred dollars.

Intendant and Wardens of Cheraw authorized to levy a tax.

XIV. *And be it enacted* by the authority aforesaid, That the tax collector for Chesterfield district shall, and he is hereby authorized and required to sign tax executions against all defaulters in the said district, for taxes due and unpaid, in the years eighteen hundred and twenty-four and eighteen hundred and twenty-five.

Tax collector of Chesterfield, to sign executions.

A. D. 1822.

Old Court-house and Gaol of Marlboro' to be sold.

XV. *And be it enacted* by the authority aforesaid, That the commissioners of public buildings for Marlborough district shall, and are hereby authorized and required to sell at public sale, and convey, the old court house and gaol, and the lots upon which they are built, upon a credit of twelve months, the purchaser to give bond with good security for the purchase money; and that such sum as may be received from the sale of the gaol and lots, be paid into the treasury of the State; and that such sum as may be received from the sale of the court house, be paid to the said commissioners, to be applied by them to the repairs of the court house and gaol for said district.

Poor tax, when to be paid over.

XVI. *And be it further enacted* by the authority aforesaid, That in case of default, in any tax collector, to pay over the poor taxes collected by him, on or before the first day of July in each and every year, it shall and may be lawful for the commissioners of the poor to issue an execution against such defaulting tax collector, for the amount due by him, with interest at the rate of five per cent per month, from the time he should have paid the same.

Returns to be made on oath.

XVII. *And be it further enacted*, That if any tax collector shall fail or neglect to require a return, on oath, of any person liable to the payment of taxes for the use of the said State, of his or her taxable property, as provided by law, such tax collector shall be subject to a penalty of two hundred dollars, to be recovered by indictment in any court of sessions; one half of which shall be paid into the public treasury, for the use of the said State, and the remainder to the person who shall give information of such neglect and prosecute for the same.

Charles J. Steedman's account to be settled.

XVIII. *And be it further enacted*, That the Comptroller-general be, and he is hereby, directed to settle with Charles J. Steedman, sheriff of Charleston district, upon equitable principles, in relation to certain tax executions lodged with him for collection, in the years one thousand eight hundred and eight, one thousand eight hundred and nine, one thousand eight hundred and ten, and one thousand eight hundred and eleven, agreeably to the report upon his petition, as concurred in by both branches of the Legislature.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

No. 2469. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY-EIGHT; AND FOR OTHER PURPOSES.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the salaries of the public officers, and other expenses and purposes of Government:

For the salary of the Governor, three thousand five hundred dollars.

For the salaries of three Judges of the Court of Appeals, each three thousand five hundred dollars.

A. D. 1822.

For the salary of one judge of the court of common pleas, two thousand five hundred and seventy-two dollars.

For the salary of the Attorney-General, twelve hundred dollars.

For the salary of the Comptroller-general, two thousand five hundred dollars.

For the salaries of the Circuit Solicitors, each seven hundred dollars.

For the salary of clerk of the Comptroller-general, to be appointed by him and be removable at his pleasure, seven hundred and fifty dollars.

For the salary of the Treasurer of the lower division, and for transacting the business of the loan office, of the five and six per cent. stock of the State, and for clerks, three thousand dollars.

For the salary of the Treasurer of the upper division, including clerk's hire, sixteen hundred dollars.

For the salary of the Clerks of the Senate and House of Representatives, each twelve hundred and thirty dollars, to be paid at the adjournment of the Legislature.

For the contingent fund, subject to the draft of the Governor, of the expenditure of which he shall submit an annual account to the Legislature, six thousand dollars.

For the pay of the Members of the Legislature, and the Solicitors, during the present session of the Legislature, eighteen thousand dollars, if so much be necessary.

For two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the close of the session.

For the rent of the Governor's house in Columbia, two hundred dollars.

For the payment of the contingent accounts of the lower division, five thousand four hundred dollars, if so much be necessary.

For the payment of the contingent accounts of the upper division, nine thousand dollars, if so much be necessary.

For the salary of the President of the South Carolina College, three thousand dollars.

For the salaries of the Professor of Metaphysics, Moral Philosophy and the Evidences of Christianity, of the Professor of Mathematics, of the Professor of the Elements of Criticism, Logic and the Philosophy of Languages, each two thousand dollars.

For the assistant to the President, as acting Professor of Chemistry, five hundred dollars.

For the salaries of two Tutors in the College, each one thousand dollars.

For the salary of the Librarian and Treasurer of the College, four hundred dollars.

For the commons and other incidental expenses of one student in the College, from the Orphan House in Charleston, during the ensuing year, two hundred and sixty dollars; to be paid to the Cashier of the Branch Bank at Columbia, for the use of the said student.

For the commons and other incidental expenses of one student in the College from the Winyaw Indigo Society, during the ensuing year, two hundred and sixty dollars; to be paid to the Cashier of the Branch Bank, at Columbia, for the use of such student.

For the Librarian of the Legislature, one hundred dollars.

For the pay of the keeper of the State House in Columbia, one hundred dollars.

For the salary of the Adjutant and Inspector General, fifteen hundred dollars.

For the pay of the Arsenal keeper in Charleston, four hundred and fifty dollars.

A. D. 1828.

For the pay of a magazine guard, near Charleston, to consist of an officer, a sergeant and twelve privates, three thousand two hundred dollars, to be paid under the direction of the Comptroller-general.

For the pay of the arsenal keeper in Abbeville, two hundred dollars.

For the pay of the arsenal keeper and powder receiver in Beaufort, two hundred dollars.

For the pay of the Physician of the magazine guard and gaol in Charleston, four hundred and fifty dollars.

For the salary of the Port Physician of Charleston, including boat hire and other incidental expenses, eight hundred dollars.

For the payment of pensions and annuities, twenty thousand dollars, if so much be necessary.

For the support of the Transient Poor of Charleston, payable to the City Council, six thousand dollars.

For the support of the transient poor of Georgetown, three hundred dollars; to be expended by the commissioners of the poor of Prince George of Georgetown, Winyaw, who shall publish annually, in the Georgetown papers, the names of such transient poor, and the sums paid to each; and return, annually, on oath, to the comptroller-general, an account of their expenditures, to be submitted to the Legislature.

For the support of the Transient poor of the town of Beaufort, two hundred dollars; to be paid to the town council, who shall make an annual return of their expenditures to the Comptroller-general, to be submitted to the Legislature.

For the support of free schools, thirty-seven thousand two hundred dollars.

II. *And be it further enacted*, That no appropriation or unexpended balance of appropriation made for the support of the free schools of this State, remaining undrawn on the first day of January, one thousand eight hundred and twenty-seven, shall be drawn from the treasury, but such balance or balances shall remain therein to the credit of the State.

III. *And be it further enacted*, That no appropriation or unexpended balance of appropriation, made for free schools, shall hereafter be drawn from the treasury of this State, after two years from the day on which such appropriation shall have been made.

For Daniel and John M. Faust, for printing the Acts and Resolutions of the Legislature, the resolutions for the general election, and the Journals of the Senate, fifteen hundred dollars: *Provided*, the Acts and Resolutions be printed and deposited in the office of the Secretary of State, in Columbia, on or before the fifteenth day of February, after the session of the Legislature, and four weeks after each extra session; otherwise only one thousand three hundred dollars.

For David Sims, for printing the Journals of the House of Representatives, one thousand and fifty dollars.

For the payment of claims, according to the reports of the committees on claims, concurred in by both branches of the Legislature, twenty thousand dollars, if so much be necessary.

For the reading clerks of the House of Representatives and the Senate, each two hundred dollars, to be paid at the adjournment of the Legislature.

For the Assessor of St. Philip's and St. Michael's, eight hundred dollars.

For the salary of the State Reporter, one thousand dollars.

For the payment of witnesses who have been in attendance during the present session of the Legislature, and expresses, one thousand dollars, if so much be necessary.

Former appropriations for free schools, how to be disposed of.

Balances not to be drawn after two years.

Acts.

For the city council of Charleston, for the execution of the quarantine laws, one thousand dollars.

For the Pilot of the bar and harbor of Georgetown, three hundred and twenty dollars.

For the support of the magazine guard in Georgetown, to be expended under the control and direction of the town council of said town, five hundred dollars.

IV, *And be it further enacted*, That the Comptroller-general be, and he is hereby, authorized to pay the expenses of the removal of certain plats from the Secretary of State's office in Columbia, to Charleston, directed by a joint resolution of the last session: *Provided* the same do not exceed forty dollars and twenty-five cents. A. D. 1824.
Appropriation
to remove cer-
tain plats.

For the salary of the Clerk of the Court of Appeals in Charleston, three hundred dollars.

For the salary of the Clerk of the Court of Appeals in Columbia, three hundred dollars.

For John Simmons Bee, for attending the Court of Appeals in Charleston, during the fall term of eighteen hundred and twenty-seven, seventy-five dollars; to be paid on his producing the certificate of Judge Nott, that he attended said court at said term, and that Daniel Green, in whose favour a similar appropriation was made at the last session, attended at the spring term of eighteen hundred and twenty-seven, and not at the fall term of said year.

For the insurance of the buildings of the South Carolina College, five hundred dollars, if so much be necessary.

For the payment of the expenses incurred in running out the dividing line between the parishes of Orange and St. Matthew, to be paid to the commissioners, one hundred and nine dollars thirty-seven and a half cents.

V. *And be it further enacted*, That the following appropriations be made for the public works of this State, now under contract, and for which the State is pledged, that is to say: For public
works.

For completing the fourth and fifth sections of the Rocky Mount Canal, and the navigation of the Wateree and Catawba rivers above Camden, fifty-six thousand dollars.

For Elliott's Cut, six thousand dollars.

For the State road, twenty-one thousand five hundred and thirty-one dollars and ninety-nine cents.

For the Camden road and Santee swamp causeway, four thousand six hundred and fifteen dollars and fifty cents.

For contingencies of the department of Canals, fifteen hundred dollars.

For completing State road above and below Vance's ferry, not under contract, one thousand dollars, if so much be necessary.

For the salary of one Chancellor now in office, three thousand five hundred dollars; and for one to be elected at this session, three thousand dollars.

VI. *And be it further enacted*, That the commissioners of public buildings for Charleston district, be, and they are hereby, authorized to rent out such of the rooms in the fire proof buildings as may not be required for public uses: *Provided* it be done upon such terms as will preclude the use of fire or candle light upon any occasion in said building; and that the said commissioners shall apply the proceeds of said rents to the keeping of said building in repair, and render an annual account to the Legislature of their receipts and expenditures, and of the specific objects to which they may have applied the moneys received. Fire proof
rooms to be
rented.

For the grand and petit jurors of Marion district, for spring term, eighteen hundred and twenty-eight, ninety-six dollars.

A. D. 1828.

For the Messenger of the Court of Appeals, in Columbia, one hundred and fifty dollars.

For three Circuit Judges, three thousand five hundred dollars each.

For two Circuit Judges, two thousand five hundred dollars each.

Double tax
refunded to
Geo. Russell.

VII. *And be it further enacted*, That the Comptroller be directed to refund a double tax to George Russell, administrator of James Adams, agreeably to a resolution of the last session.

For Samuel Branch, for making a Reader's desk for the House of Representatives, under contract authorized at the last session, two hundred and twenty-five dollars.

To J. F. Conover
and Mrs.
E. Bremar.

VIII. *And be it further enacted*, That the Comptroller-general be, and he is hereby, directed to refund to James F. Conover the sum of twenty-three dollars and sixty-two cents, and to Mrs. E. Bremar, administratrix of Francis Bremar, the sum of two hundred and fifty-eight dollars seventy-five cents, being the amounts of double taxes paid by them respectively.

For Thomas D. Singleton, late sheriff of Williamsburgh district, fifty-three dollars and fifty cents, agreeably to a report as concurred in by both Houses.

To Dr. A. W.
Fraser.

IX. *And be it further enacted*, That the Comptroller-general be, and he is hereby, directed to pay to Dr. Alexander W. Fraser, executor of the estate of W. G. Godfrey, the sum of forty-two dollars and fifty eight cents, being the amount of a double tax refunded.

For the Superintendent of Public Works, two thousand two hundred dollars.

For the completion of the State Arsenal, ten thousand dollars.

For the completion of the State Magazine, five thousand dollars.

For the repairs to the fire proof buildings, three hundred dollars.

For Willis W. Alsabrook, three thousand and fifty dollars, in full for completing the court-house of Lancaster district.

Appropriation
for taking
census.

X. *Be it further enacted*, That the sum of six thousand six hundred dollars, if so much be necessary, be appropriated to defray the expense of taking the census of the white inhabitants of the State of South Carolina.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, and in the fifty-third year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

No. 2470.

AN ACT CONCERNING THE PUBLIC WORKS.

Superintendent,
his term of
office.

I. *Be it enacted*, by the Senate and House of Representatives, That the Superintendent of Public Works, elected at the present session of the Legislature, shall continue in office until the first day of February, in the year of our Lord one thousand eight hundred and thirty-one; and each Superintendent thereafter elected shall enter upon the duties of his office on the first day of February succeeding his election, and continue in office for one year.

To fix toll
gates.

II. The Superintendent of public works is hereby authorized to fix the number and location of the toll gates, and the rates of toll to be paid at

each gate, on all the State turnpike roads : *Provided* the aggregate toll of the whole road be not reduced below what it is at present. A.D. 1839.

III. The Superintendent of public works shall appoint collectors of toll for one year, from the first day of February next, to be subject to the same regulations established in "An Act concerning the public works of this State," passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and twenty-eight. To appoint toll collectors.

IV. Each collector of tolls shall, before entering upon his duties, take the following oath, to be administered by the Superintendent, or any justice of the peace or quorum : " I, A B, solemnly swear (or affirm,) that I will faithfully, to the best of my ability, discharge the duties of my appointment ; I will keep, in writing, a true account of all tolls accruing ; and that I will render a report thereof, and pay over said tolls, to the Superintendent of public works, whenever required by him. So help me God." Oath of toll collectors.

V. The Superintendent of public works, collectors and lock keepers on canals, are hereafter exempted from ordinary militia and patrol duty, working on other roads and serving on juries, during the time of their appointment, respectively. Superintendent and others exempted.

VI. All persons going to and returning from divine service, are exempted from paying toll on the turnpike roads of this State. Certain persons exempted from toll.

VII. All carts and wagons drawn by one or two horses, mules, or oxen, and all stage coaches drawn by two or more horses or mules, where the tire of the wheels shall be not less than four inches broad, and all other carts and wagons where the tire of the wheels shall not be less than six inches broad, are exempt from paying toll on said roads for five years, and until otherwise directed by law ; and all other carriages where the tire of the wheels shall be not less than nine inches broad, are exempted from paying said tolls for eight years. Carriages with broad tire not to pay toll.

VIII. In lieu of the rates now fixed therefor, at the Saluda Mountain turnpike, there shall be paid for cattle two cents, and for hogs one cent per head. Saluda Mountain Turnpike, rates of toll.

IX. If any person, after travelling on any turnpike road of this State, by himself or servants, on horseback or with carriage of any description, horses, mules, cattle, hogs, or any other thing chargeable with toll, shall go or send the same, or any part thereof, around any toll gate, to avoid paying toll, or having passed the same through any toll gate, refuse to pay therefor, such person shall forfeit ten times the toll chargeable therefor ; and the person entitled to receive said toll shall immediately issue his distress warrant therefor, and levy, or cause the same to be levied on any of said horses, mules, hogs, cattle, carriages or any article loaded thereon, sufficient to pay said penalty ; and the articles so distrained shall be disposed of in the same manner that goods distrained for rent arrear are or may be disposed of. Penalty for not paying toll.

X. *And be it further enacted,* That the Superintendent of public works be authorized to have the public lands near Rocky Mount divided into convenient small tracts, and, after due notice thereof, that he sell the same on a credit of one, two and three years, with interest from the time of sale, taking a mortgage and bond with good personal security : *Provided* the average price of all lands so sold, shall not be less than three dollars per acre. Public land near Rocky Mount to be sold.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty fourth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

A. D. 1829.

No. 2471. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO CARRY INTO OPERATION THE LUNATIC ASYLUM."

**Officers ex-
empted from
certain duties.**

I. *Be it enacted* by the Senate and House of Representatives, That the officers of the Lunatic Asylum, residing within the walls, shall be, and they are hereby, exempted from performing militia duty, patrol duty, and from working on the streets in the town of Columbia; and that whenever the testimony of any such officer shall be required in a court of justice, in a civil cause, the same may be taken by commission; nor shall his or her personal presence be required, unless it shall be made to appear to the court by affidavit, that justice cannot be done without such personal presence in court.

**Transient pau-
pers to be re-
ceived.**

II. Transient paupers, lunatics, idiots or epileptics, sent to the Asylum by virtue of the existing laws, shall be supported at the public expense; and the Regents are hereby authorized to draw from the treasury for every such lunatic, eighty dollars per annum, until the Regents shall have ascertained the former permanent domicile of such lunatic, when they shall be supported by the district to which he or they shall belong: And it shall be the duty of the Regents to report specially to every Legislature, the whole number of this class of lunatics, idiots or epileptics, while they remain a charge upon the public treasury.

**Half-yearly ad-
vances not to
be exacted in
certain cases.**

III. The Regents shall not be required to exact half-yearly advances for the admission into the Asylum of such subjects as may be deemed curable, and likely to be speedily discharged, but only such advances as they may deem the nature of the case to require.

**Undrawn ap-
propriation to
be drawn.**

IV. The Regents are hereby authorized to draw from the treasury, for the support of the institution, the sum of five thousand and three dollars and thirty-nine cents, being the undrawn balance of former appropriations for the Lunatic Asylum.

**Lunatics may
be sent to the
Asylum by
Chancellors.**

V. The Chancellors of the State are hereby fully empowered to order any lunatic, idiot or epileptic, under the charge of the court of equity, to be sent to the Lunatic Asylum, and to make and enforce, at chambers, such orders on the committee as may be necessary to provide for the charges attending the same.

**By Commis-
sioners of poor.**

VI. *And be it enacted*, That the commissioners of the poor shall be authorized to send all pauper lunatics, idiots and epileptics in their several districts and parishes to the Lunatic Asylum; and each board shall pay the Regents of the Asylum, eighty dollars per annum for every such pauper sent thereto. No pauper lunatic, idiot or epileptic, shall hereafter be confined for safe keeping in any jail; and if any such person shall be imprisoned under and by virtue of any legal process, it shall be the duty of the sheriff in whose custody he may be, to obtain his discharge as speedily as possible, and send him forthwith to the Asylum, as above directed, at the expense of the board of commissioners within whose limits he shall have gained a settlement.

**And by judges
of the court of
sessions.**

VII. The judges of the court of sessions are hereby authorized to send to the Lunatic Asylum every person charged with the commission of any criminal offence, who shall, upon the trial before them, prove to be *non compos mentis*; and the said judges are authorized to make all necessary orders to carry into effect this power. Where the person so sent is a pauper, he shall be supported by the commissioners of the poor, or the municipal authorities of towns or cities, as the case may be; and where the person is not a pauper, he shall be supported out of his own estate,

according to regulations to be prescribed by the court, as on a return to a writ *de Lunatico inquirendo*. Every person now confined in jail in consequence of having been found *non compos mentis*, shall be subject to the provisions of this clause. And it shall be the duty of the jailors of the several districts, at the sitting of each court of sessions, to report to the presiding judge the names of the persons confined in jail who are lunatics, idiots or epileptics, with the cause of their detention. A. D. 1829.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

AN ACT to incorporate certain Societies.

No. 2472.

(Passed December 18, 1829. *See last volume.*)

AN ACT to alter the time of holding the Courts of Common Pleas and Sessions for Barnwell, Colleton and Beaufort districts. No. 2473.

(Passed December 18, 1829. *See last volume.*)

AN ACT CONCERNING THE BONDS OF PUBLIC OFFICERS.

No. 2474.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, [That] the bond hereafter to be given by any person elected or appointed to any office for which bond is required, shall be of the form following: Bond to be given.

STATE OF SOUTH CAROLINA.

Know all men by these presents, that we, [here insert the name of the person and his sureties,] are held and firmly bound unto the State of South Carolina, in the penal sum of [insert the amount required by law] dollars, to the payment of which, well and truly to be made, we bind ourselves, and each and every of us, our heirs, executors and administrators, firmly by these presents. Sealed with our seals, and dated this [insert the day,] day of [insert the month] Anno Domini one thousand eight hundred and [insert the year] and in the [insert the year] year of the Independence of the United States of America. Form of bond.

Whereas, the above bound [insert the name of the person appointed or elected,] hath been appointed, or elected, [as the case may be,] to the office of [insert the office.]

Now, the condition of the above obligation is such, that if the above bound [insert the name of the person appointed or elected,] shall well and truly perform the duties of said office, as now or hereafter required by

A. D. 1829. law, during the whole period he may continue in said office, then the above obligation to be void and of non effect, or else to remain in full force and virtue. [L. S.]

Sealed and delivered in presence of
[Here place names of witnesses.]

Blank forms to be printed. II. It shall be the duty of the Comptroller-general to ascertain the number of officers in this State from whom bonds are required, and to cause an equal number of said bonds to be printed annually, at the expense of the State, having thereon the blank forms for commissioners to approve securities, and for probate; and to distribute to each district, with the Acts of Assembly, annually, a number of said bonds equal to the number of such officers in said district respectively.

Clerks to receive and deliver bonds. III. It shall be the duty of each clerk to receive the bonds for his district, and to deliver one to each person elected or appointed to any such office, whenever called for.

Oath to be taken. IV. Each district officer hereafter elected or appointed, shall, before entering upon the duties of his office, in addition to the oaths now required by law, take the following oath: "I, A B, swear [or affirm, as the case may be,] that I am under no promise, in honor or law, to share the profits of the office to which I have been elected or appointed, [as the case may be,] and I will not, directly or indirectly, sell or dispose of said office, or the profits thereof; but will resign, or continue to discharge the duties thereof, during the period fixed by law, if I so long live. So help me God."

Bond may be sued on. V. The bond of any public officer in this State may at all times be sued on by the public, any corporation, or private person aggrieved by any misconduct of any such public officer; for which purpose the treasurers for the time being, and each of them, upon application at the treasury office, shall deliver to any person applying therefor and paying the fees for doing the same, an exact and certified copy of the bond of such public officer there deposited; which copy so certified shall be good and sufficient evidence in all suits to be instituted in any court of this State.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

No. 2475. AN ACT TO APPORTION THE REPRESENTATION OF THIS STATE.

I. *Be it enacted* by the honorable the Senate and House of Representatives, and by the authority of the same, That each and every of the several election districts throughout this State, shall, at the next and all future elections, until a new apportionment of the representation be made by a future Legislature, shall respectively elect the following number of representatives, to wit:

Abbeville, five representatives; Barnwell, three representatives; Chester, four representatives; Claremont, three representatives; Clarendon, two representatives; Chesterfield, two representatives; Darlington, two

representatives; Edgefield, six representatives; Fairfield, four representatives; Greenville, three representatives; Kershaw, three representatives; Lancaster, two representatives; Laurens, four representatives; Lexington, two representatives; Marlborough, one representative; Newberry, four representatives; Orange, two representatives; Pendleton, seven representatives; St. Matthew's, one representative; Richland, four representatives; Spartanburgh, five representatives; Union, four representatives; York, four representatives; St. Philip's and St. Michael's, sixteen representatives; St. James's Goose Creek, one representative; St. John's Berkley, two representatives; St. John's Colleton, one representative; St. Stephen's, one representative; Christ Church, one representative; St. James's Santee, one representative; St. Andrew's, one representative; St. Thomas and St. Dennis, one representative; St. Paul's, one representative; St. Bartholomew's, three representatives; St. George's Dorchester, one representative; St. Helena, two representatives; Prince William's, two representatives; St. Luke's, two representatives; St. Peter's, two representatives; Williamsburgh, two representatives; Prince George Winyaw, three representatives; All Saints, one representative; Horry, one representative; Marion, two representatives.

A. D. 1829.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

AN ACT TO DISPOSE OF THE ESCHATED ESTATE OF ELIZABETH No. 2476.
HARDCASTLE.

WHEREAS, the Legislature did, by an Act passed on the fourteenth of December, eighteen hundred and five, vest in the Trustees of the Pineville Academy all the property within the parish of St. Stephen, which had previously escheated; and by another Act passed on the thirteenth of December, eighteen hundred and seventeen, vested in said Trustees all such property as had become escheated since the first Act, but limited the amount to ten thousand dollars; and *provided*, that the right of the State to remit any escheat that might occur should not be impaired by the said Act; which said right applies to said estate:

1. *Be it therefore enacted*, That the escheated estate of Elizabeth Hardcastle, both real and personal, be, and the same is hereby, disposed of in the following manner:

1. The title of the Santee Canal Company is hereby confirmed to a tract of land purchased by them at the sale of the said estate, by the master in equity in Charleston, under decree of the court of equity; and the right of the State in said escheated tract, lying in the parish of St. John's Berkley, is hereby released to said company.

2. The title of Mrs. Mary Hillen to a tract of land (part of said escheated estate,) situate in St. Stephen's parish, known by the name of Tucker's, containing about eleven hundred and forty acres, sold, by the said master in Charleston, to Francis Kinlock, on the fifth of February, eighteen hundred and twenty-two, for five hundred and seventy dollars, and by him

A D. 1829.

conveyed to the said Mary Hillen, on the first of June, eighteen hundred and twenty-two, for a like consideration, is hereby confirmed, and the right of the State to said escheated tract is hereby released to her.

3. The title of the State to a tract of land called Scouter's, in the parish of ———, which is part of said escheated estate, [which] hath not been hitherto sold, is hereby released and conveyed to the said Mary Hillen, her heirs and assigns.

4. The whole of the Hardcastle estate having been sold, under order of the court of equity, (except Scouter's tract,) the titles acquired under said sale are hereby confirmed in the several purchasers, and the right of the State to the said escheated property, so sold and purchased, is hereby released to each purchaser respectively.

5. The proceedings in the court of equity, under which said sales took place, are hereby confirmed, and the distribution, acknowledged by Mr. Kinloch himself, to be the just and equitable one, whereby Mrs. Mary Hillen was acknowledged by him to be entitled to the sum of (\$2,116 35) two thousand one hundred and sixteen dollars, thirty-five cents, as her share of the estate, is hereby confirmed as to her, and as to the other parties claiming thereunder, pursuant to the petition of Charles Mayrant, administrator of said F. Kinloch.

6. The said Mrs. Mary Hillen shall be entitled to demand said sum from said administrator in the following manner: First, she shall credit against said sum, the Tucker tract, at five hundred and seventy dollars: Secondly, she shall also credit against said share whatever sum she may sell the Scouter tract for, provided the same be not more than equal to the balance; for if it goes beyond, she shall not be accountable for the overplus: Thirdly, if said two tracts shall not be sufficient to pay her said share of two thousand one hundred and sixteen dollars thirty five cents, then she shall be entitled to call on the estate of said F. Kinloch to make up the difference; and if any payments, separate from the Tucker tract, have been at any time heretofore made to her, on account of said share of the Hardcastle estate, the same shall be allowed, and the said administrator of F. Kinloch shall be allowed time and opportunity to prove any payments he may know or believe to have been made; but if it should appear, after crediting the two tracts, and any other such payments, that the said Mary hath been overpaid, the said Mary shall not be liable to refund; but the whole right and interest of the State shall be vested in, and is hereby released to the said Mary, as to any excess she may have received in either of the two above mentioned cases.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

No. 2477.

AN ACT to establish certain Roads, Bridges and Ferries.

(Passed December 18, 1829. See last volume.)

A. D. 1829.

**AN ACT FOR THE REGULATION OF MAGISTRATES AND CONSTABLES, IN No. 2478.
THE PARISHES OF ST. PHILIP AND ST. MICHAEL.**

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all free persons of color, being convicted by a court of magistrates and freeholders, within the parishes of St. Philip and St. Michael, shall pay the cost of their prosecution, unless the magistrate be satisfied of their inability to do so, in which case the said fees shall be charged to the State.

Free persons of color to pay costs.

II. *And be it further enacted*, That in all prosecutions against slaves within the said parishes, the cost of the prosecution shall be charged to the State, except the court shall be of opinion that the prosecution was groundless and malicious, in which case they shall order the costs to be paid by the prosecutor, if able to pay them.

State to pay costs of trials of slaves.

III. *And be it further enacted*, That the oath of the magistrate within the said parishes, as to the services rendered, and as to his belief of the inability of the prosecutor, or party liable for costs, to pay them, accompanied by the certificate of the clerk of the court, where the proceedings have been returned into court, shall in all cases be sufficient to establish the magistrate's right to payment from the Legislature.

Magistrate's oath to establish his claim.

IV. *And be it further enacted*, That the oath of the constable, within the said parishes, as to the services rendered, accompanied by the certificate of the magistrate, that the services have been rendered, and that he believes the party liable for costs unable to pay them, and also by the certificate of the clerk of court, where the proceedings have been returned into court, shall in all cases be sufficient to establish the constable's right to payment from the Legislature.

And constable's oath to establish his.

V. *And be it further enacted*, That any constable within the said parishes, neglecting or refusing to return an execution or other process, or to pay over money when collected by him, to the party entitled to it, in any action, shall be liable to be ruled before the magistrate who issued the process, or any other magistrate within the said parishes, to be attached and committed to prison, until he purges his contempt by paying the money, or otherwise complying with the mandate of the court.

Penalty for not returning executions.

VI. *And be it further enacted*, That any magistrate within the said parishes, who shall receive money for any suitor before him, and neglect or refuse to pay it over to the party entitled to it, shall in like manner be liable to rule, attachment and imprisonment for contempt, before any of the judges of the court of common pleas, in open court, or at chambers, or the recorder of the city, as the case may be.

Penalty for not paying over money.

VII. *And be it further enacted*, That any freeholder, within the said parishes, who shall neglect, when duly summoned, to attend a magistrate's court, shall forfeit and pay to the State the sum of five dollars, to be recovered by warrant under the hand and seal of some magistrate, in the same manner as is directed in the Act for the trial of small and mean causes.

Penalty for not serving as a freeholder.

VIII. *And be it further enacted*, That no notaries public now in office, within the said parishes, shall hereafter exercise any of the power and jurisdiction in criminal cases incident or attached to the office of a justice of the quorum, nor shall any notary hereafter to be appointed exercise any such power or jurisdiction.

Notary public not to act in criminal cases.

IX. *And be it further enacted*, That the number of constables for the

A. D. 1829.

Number of
constables
limited.

said parishes be hereafter limited to fifteen, and that no one shall hereafter act as constable within the said parishes, except such persons as shall be appointed by a majority of the magistrates appointed under the Act passed in December session, one thousand eight hundred and twenty-seven, entitled "An Act for the better administration of justice in the trial of causes small and mean, within the parishes of St. Philip and St. Michael; and for other purposes therein mentioned."

Oath in case of
distress war-
rant.

X. *And be it further enacted*, That no distress warrant shall hereafter issue within the said parishes, without an affidavit of the sum due, as in case of bail.*

Trover cases to
be tried.

XI. *And be it further enacted*, That from and after the passing of this Act, the magistrates authorized to try small and mean causes within the said parishes, shall have jurisdiction in all cases of trover and detinue, where the damages claimed or amount in issue do not exceed twenty dollars, in the same manner as they have jurisdiction in cases of contract: *Provided*, the said jurisdiction be confined to the inhabitants of said parishes.

Warrant how
to be served.

XII. *And be it further enacted*, That the leaving of a summons at the most notorious place of a defendant's residence, shall hereafter be a legal service, within the said parishes, provided no execution shall issue thereon (where judgment has been given by default) until five days after the rendering of such judgment; and provided the magistrates shall have the power of opening the case for a re-hearing, at any time before actual sale, upon the defendant making affidavit that he has a substantial defence, and did not receive the summons in time to make it.

What magis-
trates are to
act.

XIII. *And be it further enacted*, That from and after the passing of this Act, no other magistrates than such as have been or shall be appointed for the parishes of St. Philip and St. Michael, in pursuance of an Act passed in December, one thousand eight hundred and twenty-seven, entitled "An Act for the better administration of justice in the trial of causes small and mean, within the parishes of St. Philip and St. Michael; and for other purposes therein mentioned," shall have the right of issuing warrants, either in civil or criminal cases, within the said parishes.

Offices, where
to be kept.

XIV. *And be it further enacted*, That the proviso to the first section of the magistrate's Act aforesaid, passed in December, one thousand eight hundred and twenty-seven, be stricken out, and the following substituted in lieu thereof: "*Provided*, that six of the said magistrates, already appointed and hereafter to be appointed under the said Act, shall keep their offices within the city of Charleston, and the other two shall keep their offices in other parts of the said parishes."

All slave hold-
ers to act as
freeholders.

XV. *And be it further enacted*, That all slave holders or owners, within the said parishes, shall be invested with the powers and jurisdiction, and subject to the liabilities and penalties, of freeholders, in relation to the trial of negroes and persons of color, within the said parishes.

Fines may be
imposed on
offenders.

XVI. *And be it further enacted*, That on the trial of any free person of color within the said parishes, where the court shall be of opinion that corporal punishment is unsuited to or insufficient for the offence, such court may impose a fine upon the offender, to be levied and collected for the use and benefit of the State.

Proceedings in
case of forcible
entry and de-
tainer.

XVII. *And be it further enacted*, That the forms and proceedings before magistrates, in cases of forcible entry and detainer, shall hereafter be the same as are prescribed by law in cases where tenants hold over, after the expiration of their leases.†

* Vide Ante, 329.

† Vide 5 volume, 676.

XVIII. *And be it further enacted*, That all constables, while actually employed in serving warrants or other process, issued by a magistrate, or attending a magistrate's court with the said parishes, shall be exempt from the performance of ordinary militia duty. A. D. 1829.
Constables exempt from militia duty.

XIX. *And be it further enacted*, That all Acts and parts of Acts repugnant hereto, be, and the same are hereby, repealed. Repealing clause.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

AN ACT to regulate the Collection of Military Fines ; and for other purposes. No. 2479.

(Passed December 18, 1829. *See last volume.*)

AN ACT TO RELEASE THE TITLE OF THE STATE IN CERTAIN ESCHEATED PROPERTY, TO CATHARINE BIBBY AND NANCY COLLINS. No. 2480.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State, in the real and personal estate of which John Bibby, of Lancaster district, died seized and possessed, be, and the same is hereby, released to and vested in Caroline Bibby, her heirs and assigns.

II. *And be it further enacted* by the authority aforesaid, That all the right, title and interest of the State, in certain lands, whereof one Moses Collins died seized and possessed, in the district of Barnwell, be, and the same is hereby, released to and vested in Nancy Collins, her heirs and assigns.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

AN ACT CONCERNING THE ESTATE OF MASON LEE.

No. 2481.

WHEREAS, Mason Lee, late of Marlborough district, by his last will and testament, did devise and bequeath one half of his estate to the State of South Carolina : for the disposal whereof,

A. D. 1829.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioner in Equity for Cheraw district shall take an account of all the expenses and costs incurred by Baker Wiggins, late of Marion district, in and about contesting the validity of the will of the said Lee, and report thereon to the said court of equity; and the amount so reported, when confirmed by the said court, shall be paid out of the part of the said estate devised to this State.

II. *And be it enacted* by the authority aforesaid, That after the payment of the said costs and expenses, the balance of the interest of this State in the said estate be, and the same is hereby, given and granted to Jonathan and William Pennywell, the heirs at law of John Taylor and Blake Baker Wiggins, late of North Carolina, deceased, to be divided among them in the following manner, viz: To Jonathan Pennywell, one fourth, to William Pennywell, one fourth, to the heirs at law of John Taylor, one fourth, and and to the heirs at law of Blake B. Wiggins, one fourth.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

No. 2482. AN ACT FOR THE PUNISHMENT OF OFFICIAL MISCONDUCT OF DISTRICT OFFICERS.

Certain officers guilty of misconduct to be indicted. I. *Be it enacted* by the Senate and House of Representatives, That if any public officer hereafter to be elected or appointed, whose authority is limited to a single election or judicial district, shall be guilty of any official misconduct, habitual negligence, habitual drunkenness, corruption, fraud or oppression, he shall be liable to indictment, in which the privilege of traverse shall not be allowed; and upon conviction thereof, shall be fined not exceeding one thousand dollars, and imprisoned not exceeding one year.

Office declared vacant. II. It shall be the duty of the presiding judge, before whom such officer shall be tried, to cause a certified copy of the indictment to be immediately transmitted to the Governor, who shall, upon receipt thereof, declare, by proclamation, his office vacant, and the same shall be filled as in case of the death or resignation of the incumbent.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

A. D. 1839.



AN ACT AUTHORIZING TITLES TO BE MADE TO PURCHASERS OF LOTS IN THE VILLAGES OF ANDERSON AND PICKENS; AND FOR OTHER PURPOSES. No. 2483.

1. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the receivers of public monies arising from the sales of lots in the villages of Anderson and Pickens, respectively, be, and they are hereby, authorized and required, as the agents of this State, to make, execute and deliver titles, in fee simple, to the purchasers of lots in said villages respectively, or to their assigns, on being satisfied of the payment of the whole amount due for the purchase thereof.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

AN ACT TO PROVIDE FOR LIGHTING LAMPS ON A PART OF KING STREET, No. 2484.
ON CHARLESTON NECK.

1. *Be it enacted*, by the Senate and House of Representatives, That the commissioners of cross roads on Charleston Neck shall hereafter have power, if they deem it expedient, to apply so much of the tax paid to them for lots fronting on that portion of King street lying within their jurisdiction, as may be necessary to light lamps on the same, or any part thereof.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE POOR ON CHARLESTON NECK TO NEGOCIATE A LOAN FOR THE PURCHASE OR BUILDING OF A POOR HOUSE. No. 2485.

1. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful for the commissioners of the poor on Charleston Neck, to negotiate a loan, not exceeding three thousand dollars, pledging therefor the taxes to be assessed by them or by their successors in office, for the use of the poor on Charleston Neck.

A. D. 1829.

II. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the said commissioners, or their successors in office, to purchase with such loan, and by such sums as may be necessary, out of the poor taxes, a house and lot, or a vacant lot, and to erect on such vacant lot suitable buildings for the accommodation of the said poor.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

No. 2486. AN ACT TO AUTHORIZE THE SALE OF PUBLIC ARMS AND ACCOUTREMENTS.

I. *Be it enacted*, by the Senate and House of Representatives, That any of the keepers of the arsenals of this State shall sell any of the public arms and military accoutrements stored therein, to any person who shall apply for the same, at cost price; *provided*, such applicant shall produce, at the time he offers to purchase, a certificate from some captain of a company, that he is a member of said company, and needs the arm or accoutrement for which he shall apply, for the performance of his military duty.

II. The several arsenal keepers shall pay over to the treasurer, within whose division he may reside, all such monies as shall come into his hands from the sale of public property, made by him by virtue of this Act, forthwith; and shall make to such treasurer a regular report of said sales, on or before the first of September, in each year.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

No. 2487. AN ACT to consolidate the two Beat Companies of Georgetown.

(Passed December 18, 1829. *See last volume.*)

No. 2488. AN ACT to provide for the division of Beat Company number seven, of the fifteenth Regiment of South Carolina Militia.

(Passed December 18, 1829. *See last volume.*)

A. D. 1829.

AN ACT CONCERNING FISH TRAPS.

No. 2490.

I. *Be it enacted* by the Senate and House of Representatives, That from and after the first day of March next, any person who shall take and carry away from any fish trap in the waters of this State, any fish caught and being in said trap, with intent to defraud and deprive the owner or owners of said trap, of the said fish, shall be deemed guilty of a misdemeanor, and, on conviction thereof by indictment, shall be punished for said offence by fine, not exceeding two hundred dollars, and imprisonment not exceeding six months.

Stealing from
a fish trap
punished.

II. *And be it further enacted* by the authority aforesaid, That if any person shall, after the first day of March next, keep, put, or cause to be kept, put or placed by him, her or them, any fish trap, in or near any boat sluice, in any of the rivers within this State, so as thereby to injure or in the least obstruct the free navigation of said rivers, that every such person or persons so offending, shall forfeit, for each and every such offence, the sum of one hundred dollars, for the use of the State, to be recovered by information and proof, upon indictment in any court of record in this State.

Penalty for ob-
structing navi-
gation by fish
trap.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

AN ACT TO PUNISH THE RECEIVERS OF STOLEN GOODS.

No. 2491.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of January next, in all cases whatever where any goods and chattels, or other property of which larceny may be committed, shall have been feloniously taken or stolen by a slave or slaves or by a free person or persons of color, every person who shall buy or receive any such goods and chattels, or other property, knowing the same to have been stolen, shall be held and deemed guilty of, and may be prosecuted for, a misdemeanor, whether the principal offender or offenders be or be not previously convicted; and upon conviction thereof, shall be punished by imprisonment and whipping, in like manner as persons convicted of petty larceny.

Receiver of
stolen goods,
stolen by a
slave, may be
convicted,
though the
principal be
not convicted.

II. *And be it further enacted* by the authority aforesaid, That from and after the said first day of January next, in all cases whatever where any goods and chattels, or other property of which larceny may be committed, shall have been feloniously taken or stolen by any person or persons, whether the offence of such person or persons so taking or stealing the same, shall amount to grand larceny or some greater offence, or to petty larceny only, every person who shall buy or receive any such goods or chattels, or other property, knowing the same to have been stolen, shall be held and deemed guilty of, and may be prosecuted for, a misdemeanor, and

Misdemeanor.

A. D. 1829.

upon conviction thereof, shall be punished by imprisonment and whipping, although the principal felon or felons be not previously convicted, or be convicted of petit larceny only, and whether he, she or they is or are amenable to justice or not.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

No. 2492. AN ACT TO REDUCE THE PENALTY OF THE ESCHEATOR'S BOND FOR YORK DISTRICT.

I. *Be it enacted* by the Senate and House of Representatives, That any person who shall hereafter be elected or appointed to the office of Escheator for York district, shall only be required to enter into bond in the penalty of three thousand dollars.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

No. 2493. AN ACT TO AUTHORIZE SHERIFFS TO MAKE TITLES TO PROPERTY SOLD BY THEIR PREDECESSORS IN OFFICE.

Sheriff to make title to property sold by his predecessor. I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in all cases where any sheriff shall have heretofore legally sold, or hereafter shall legally sell, any real or personal estate, and such sheriff is now dead, resigned, or otherwise out of office, or shall hereafter die, resign, or otherwise go out of office, before he shall have executed titles therefor to the purchaser, it shall be lawful for any subsequent sheriff of the same district, upon the terms of sale being complied with, or satisfactory evidence produced that they have been complied with to his predecessor who made the sale, to make and execute good and sufficient title to the purchaser for the property so sold.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

A. D. 1829.

**AN ACT FOR THE BETTER ORGANIZING THE FIRE GUARD OF THE CITY No. 2494.
OF CHARLESTON.**

I. *Be it enacted* by the Senate and House of Representatives, That from and after the passing of this Act, the Brigadier-general of the fourth brigade, or, in his absence from the parishes of St. Philip and St. Michael, the senior officer of the militia of said parishes, in order to prevent the confusion which may arise from too many men being under arms when fires shall break out in the city of Charleston, be, and he is hereby, authorized to fix the number of men necessary to be under arms in such cases, and to make regulations by which a certain portion only of the militia of Charleston shall be required, for the period of three months, to hold themselves in readiness to parade in cases of alarm from fire; and the said portion of militia shall be commanded by a field officer, detailed according to the roster of officers of the said parishes of St. Philip and St. Michael, except the officers in command of regiments; and if any officer, non-commissioned officer, or private, so ordered, shall fail to attend at his muster ground in cases of alarm from fire, he shall be subject to the same fines as are imposed by law for non attendance at regimental musters. Fire guard to be arranged.

II. *And be it further enacted*, That the Brigadier-general of the fourth brigade, or, in his absence from the parishes of St. Philip and St. Michael, the senior officer of the militia of the said parishes, shall have full power and authority to order to mount guard, and for relief of the same, the portion of the militia composing the aforesaid fire guard; and if any officer, non-commissioned officer, or private, shall fail to attend parade, at the time and place so ordered, he shall be subject to the same fines as are imposed by law for non attendance at regimental musters. Fine for not turning out.

III. *And be it further enacted*, That courts martial shall be ordered and held on all officers, non-commissioned officers and privates composing the aforesaid fire guard, who shall fail to attend in cases of alarm from fire, and when ordered to mount guard and for relief as aforesaid, in the same manner as courts martial are ordered and held by law for non attendance at regimental musters; and the fines which shall be imposed for non attendance when ordered to mount guard and for relief of said fire guard, shall be collected by the collectors of fines of the regiments to which the companies composing the said fire guard shall respectively be attached, and are hereby appropriated to the use of the said companies respectively, who shall furnish their own music; and the fines which shall be imposed in cases of alarm from fire shall be collected as aforesaid, and are hereby appropriated to the use of the regiments to which the said companies shall be respectively attached. Courts martial to be held.

IV. *And be it further enacted*, That the commanding officer of the fire guard shall, at the expiration of his term of service, report all defaulters, and generally, all the transactions of his guard, to the Brigadier-general of the fourth brigade, or, in his absence from the parishes of St. Philip and St. Michael, to the senior officer of the militia of the said parishes; and the said Brigadier-general of the fourth brigade, or, in his absence as aforesaid, the aforesaid officer, shall have full power and authority to order courts martial on all commissioned officers, non-commissioned officers and privates of the said guard, for military offences, who shall be subject to the same penalties as are imposed by law for similar offences in the performance of ordinary militia duty. Defaulters to be reported.

A. D. 1829.
Guard to be
exercised.

V. *And be it further enacted*, That the officer commanding the said fire guard may, at his discretion, exercise the said guard at the time of mounting guard and relief thereof.

Parades to be
in lieu of those
now required.

VI. *And be it further enacted*, That the parades of companies for mounting and relieving guard, shall be in lieu of two of the company parades now required by law.

How to pro-
ceed in case of
the death of the
commanding
officer.

VII. *And be it further enacted*, That in case of the death, absence, or removal of the officer commanding the fire guard, the senior captain thereof shall discharge all the duties which may have been required of his superior, and also all the duties incident to the command of the said fire guard; and it shall be the duty of the officer commanding the same, to give due notice of his intended absence to the officer next in command.

Guard not ex-
empted from
militia duty.

VIII. *And be it further enacted*, That nothing herein contained shall be construed so as to exempt that portion of the militia of Charleston, which shall compose the aforesaid fire guard, from the performance of ordinary militia duty.

Repealing
clause.

IX. *And be it further enacted*, That all Acts and parts of Acts repugnant to this Act, be, and the same are hereby, repealed.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

No. 2495. AN ACT TO WITHDRAW THE MANAGEMENT OF THE ESTATE OF DOCTOR JOHN DE LA HOWE, FROM THE ABBEVILLE DELEGATION, AND TO COMMIT IT TO TRUSTEES.

Trustees
appointed.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Alexander Hunter, James Allston, Rev. John T. Prassly, Dr. John Logan, and James A. Black, or a majority of them, are hereby appointed, from and after the first Monday in April next, trustees, to carry into effect the last will and testament of Doctor John De La Howe, of Abbeville district, in lieu of the Abbeville delegation, from whom the said trust is, after the day aforesaid, hereby withdrawn.

To serve four
years.

II. *And be it further enacted*, That the board of trustees hereby appointed do continue to serve for the term of four years from the first Monday in April next: That a new board shall be appointed by joint resolution of both branches of the Legislature, at the session of the Legislature in eighteen hundred and thirty-three, and so, after the expiration of every four years succeeding, to continue for four years from the first Monday in April next after the appointment.

Vacancies how
to be filled.

III. *And be it further enacted*, That in case of refusal to accept, death, resignation, removal from the district, or removal from the trust, of any of the trustees hereby appointed, or any of their successors, it shall be the duty of the delegation from Abbeville, for the time being, or a majority of the said delegation, to appoint a suitable person, a citizen of Abbeville district, to fill the vacancy till another appointment be made; and at the next session of the Legislature another appointment by joint resolu-

tion shall be made, to continue until a new board shall be appointed, as hereinbefore provided. A. D. 1823.

IV. *And be it further enacted*, That the board of trustees hereby appointed, and their successors, are, after the first Monday in April next, hereby incorporated as a body corporate and politic, in deed and in law, by the name of "The Trustees of the estate of Dr. John De La Howe," and may sue and be sued, implead and be impleaded, and make rules and regulations for their government, not repugnant to the laws of the land, such as a majority of them shall approve: *Provided*, that such corporation may, at any time, be dissolved or controlled by the Legislature: And that annual payment of interest on all monies due, or to become due, to the said board, shall be required to be punctually made; and that no member of the board, during his continuance in office, shall be directly or indirectly a borrower of any part of the funds of the said estate, or security for any person.

Said trustees declared a body politic and corporate.

V. *And be it further enacted*, That the court of common pleas, or the court of equity, for Abbeville district, shall have power, for default in relation to the returns required by this Act, or any other sufficient cause appearing to the judge, to remove any one or more of the trustees hereby appointed, or any of their successors, from the trust hereby committed to them; and it shall be the duty of the ordinary, or the members of the delegation of Abbeville district, according as the default may be in relation to a return to the ordinary or in a return to the Legislature, having given previous notice to the trustees, to report to [the] next court any default which may occur in relation to any of the returns aforesaid; and upon such report, or other sufficient cause, laid before him, the solicitor attending the said court shall proceed to procure the removal of the trustee or trustees complained of.

May be removed.

VI. *Be it further enacted*, That it shall be the duty of the trustees hereby appointed, and their successors, to elect some person, not a member of their board, who shall perform the duties of their treasurer and secretary, in such manner as they shall prescribe, and hold his office at their pleasure; which treasurer shall give a bond, payable to the trustees, by their corporate name, in a sum equal to bind the amount of the funds of the estate, with such security as the trustees shall approve; and the said treasurer shall be entitled to receive from the said estate such compensation for his services as is allowed to executors and administrators: *Provided*, that in his commissions no charge shall be made for receiving from his predecessor, or paying to his successor.

Treasurer and Secretary to be elected.

VII. *Be it further enacted*, That it shall be the duty of the treasurer to make an annual return, on oath, of the receipts and expenditures of the said estate, to the ordinary of Abbeville district, which, before it is presented to the ordinary, shall be inspected and approved by the board; a copy of which return it shall be the duty of the ordinary to transmit to the succeeding Legislature; and it shall moreover be the duty of the board to cause to be kept a regular record of all their proceedings, and annually to transmit to the Legislature a faithful transcript from the said record, for the year preceding, accompanied by a copy of the last return made by them to the ordinary, and by an exhibit shewing the precise situation of the estate on the first Monday in February and the first Monday in November, next preceding.

His duty.

VIII. *And be it further enacted*, That it shall be the duty of the delegation now acting as trustees, to discharge their duty as heretofore, until the first Monday in April next, and on that day to deliver over to the trustees appointed by virtue of this Act, all funds of the said estate in

Present trustees to serve till April, 1830.

A. D. 1829.

their hands, title deeds, evidences of debt, and such other papers, books, and articles, belonging to the trust aforesaid, as have come into their possession; and from that day, the said last named trustees shall, as to suits commenced, and as to all rights and powers, be considered successors to the present trustees; and on the first Monday of April, after each appointment of a new board hereafter to be made, the same delivery over and succession shall take place.

Actions not to
abate.

IX. *And be it further enacted*, That no suit or action at law or in equity, which is or shall be pending on the first day of April next, shall abate, by reason of any thing in this Act contained, but that the present trustees shall have full power and authority to prosecute such suit, and upon collecting the amount of any judgment or decree which may be obtained by them, shall pay the same to the trustees appointed by this Act, as other funds are herein before directed to be paid.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

No. 2496.

AN ACT TO INCORPORATE THE VILLAGE OF BARNWELL.

Village incor-
porated.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons, citizens of the United States, now owning dwelling houses in the village of Barnwell, and those who may hereafter own dwelling houses therein, or occupying under lease a dwelling house, shall be deemed, and are hereby declared, a body politic and corporate; and that the said village shall be called and known by the name of Barnwell.

To be governed
by an intend-
ant and ward-
ens.

II. *And be it further enacted* by the authority aforesaid, That the said village shall be governed by an intendant and four wardens, who shall be appointed in the first place by the delegation of Barnwell district, and shall continue in office until the second Monday in September next, on which day, as well as on the second Monday in September in every year thereafter, an election shall be held for an intendant and four wardens, (who shall always be freeholders within the limits of said village) at such places as the intendant and wardens shall designate, ten days notice being previously given; and that all free male white inhabitants of the said village, who have attained the age of twenty-one years, and have resided therein three months previous to the election, shall be entitled to vote for the said intendant and wardens; the election to be held from nine o'clock in the morning until three o'clock in the afternoon; and when the poll shall be closed, the managers shall proclaim the election, and give notice thereof, in writing, to the persons elected; and that the intendant and wardens for the time being shall always appoint three managers to hold the ensuing elections. That the intendant and wardens, before entering upon the duties of their offices, shall take the oath prescribed by the constitution of this State, and also the following, to wit: "As intendant or warden of Barnwell, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace,

and carry into effect, according to law, the purposes of my appointment. So help me God."

A. D. 1829.

III. *And be it further enacted* by the authority aforesaid, That in case a vacancy shall occur in the office of intendant, or any of the wardens, by death, resignation, removal from office, or absence from the State, an election to fill such vacancy shall be held by appointment of the intendant and wardens, or wardens, as the case may be, ten days previous notice being given; and in case of the sickness or temporary absence of the intendant, the wardens forming a council shall be empowered to elect one of themselves to act as intendant during the time.

Vacancies how to be filled.

IV. *And be it further enacted* by the authority aforesaid, That the intendant and wardens, duly elected and qualified, shall, during their term of service, severally and respectively, be vested with all the powers of justices of the quorum of this State, within the limits of the said village, which shall extend three quarters of a mile from the place where the court house now stands. That the intendant shall and may, as often as occasion may require, summon the wardens to meet him in council, a majority of whom shall constitute a quorum for the transaction of business, and shall be known by the name of the "Town Council of Barnwell;" and they, and their successors in office, may have a common seal, and shall have power and authority to appoint, from time to time, such and so many proper persons to act as constables within their jurisdiction according to law, as they shall deem expedient and proper; which constables shall have all the powers, privileges and emoluments, and be subject to all the duties, penalties and regulations, provided by the laws of the State for the office of constable; and the intendant and wardens in council shall have power, under their corporate seal, to ordain and establish all such rules, by-laws and ordinances, respecting the streets, ways, markets and police of the said village, as shall appear to them necessary and requisite for the security, welfare and convenience of the said village, and for preserving health, peace, order, and good government within the same; and the said council may affix fines for offences against such by-laws and ordinances, and appropriate the same to the use of the corporation; but no fine shall exceed thirty dollars; and when they exceed ten dollars, may be recovered in the court of sessions for Barnwell district; and when of the amount of ten dollars or under, before the said intendant and wardens, in council; *provided*, that nothing herein contained shall empower the said council to ordain or establish any by-laws or ordinances inconsistent with or repugnant to the laws of the land; and all such by-laws and ordinances shall at all times be subject to the revisal or repeal of the Legislature.

Powers and duties of the corporation.

V. *And be it further enacted* by the authority aforesaid, That the said intendant and wardens shall have power to abate and remove nuisances within the said limits, and to classify and arrange the inhabitants liable to do patrol duty, and to require them to perform such duty as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now or may hereafter be established by law; and that the said intendant and wardens, or any one of them, upon view thereof, or upon complaint lodged on oath, are hereby required to issue warrants against all offenders, and cause them to be brought before them or him, and upon due examination, shall either release, admit to bail, if the offence be bailable, or commit to gaol such offenders, as the case may require; and the sheriff of Barnwell district is hereby required to receive and keep the persons so committed, until discharged by due course of law; and that the said intendant and wardens shall collectively and severally have cognizance, within the said corporate limits, in all criminal cases, as justices of the peace and quorum have, according to law.

Nuisances to be abated and patrol duty performed.

A. D. 1839.

Roads and
streets to be
kept open.

VI. *And be it further enacted*, That it shall be the duty of the said intendant and wardens to keep all roads, streets and alleys, within the said limits, (except the public high ways, which are under the superintendence and jurisdiction of commissioners of roads,) open and in good repair; and for that purpose they are invested with all the powers granted by law to the commissioners of roads; and for neglect of duty shall be liable to the penalties imposed by law on commissioners of roads for the like neglect.

Council may
compound with
those liable to
work thereon.

VII. *And be it further enacted*, That the said intendant and wardens shall have power to compound with persons liable to work on the said roads, streets and alleys, and to release such persons as may desire to be released therefrom, upon the payment of such sum of money as they may deem a fair equivalent therefor, to be applied by them to the use of the said corporation.

This Act a
public Act.

IVII. *And be it further enacted*, That this Act shall be taken and deemed a public Act in all courts of justice, and shall continue of force for seven years, and from thence until the next meeting of the Legislature.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

No. 2497. AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY.

Tax to be
raised on lands,
negroes, &c. to
be paid in notes
of the incorpora-
ted Banks of
this State, &c.

I. *Be it enacted* by the Senate and House of Representatives, That a tax, for the sums, and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, for the use and service thereof; that is to say, thirty cents ad valorem on every hundred dollars, of the value of all lands granted in this State; the sum of sixty cents per head on all slaves of every description; and the sum of two dollars on all free negroes, mulattoes, and mestizoes, (except such as shall be clearly proved, to the satisfaction of the collectors, to be incapable, from maims or otherwise, of providing a livelihood,) between the ages of fifteen and fifty; thirty cents ad valorem on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough; including all lots, and portions of lands, on which buildings may be erected, in the immediate vicinity of any city, town, village or borough, which may have been made, or shall hereafter be made, with a view to a city, town, village, or borough settlement, or as shall ordinarily be regarded as forming a part of any city, town, village, or borough in this State; and sixty cents per hundred dollars, on factorage employments, faculties and professions, whether in the profession of the law the profits be derived from costs of suit, fees, or other sources of professional income, and on the amount of commissions received by vendue-masters and commission merchants, (clergymen, schoolmasters, schoolmistresses and mechanics excepted;) to be ascertained and rated by the assessors and collectors throughout this State, according to the best of their knowledge and information; to be paid in specie, paper medium, or the notes of the specie paying banks of this State.

II. *And be it enacted*, That any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay, for the use of the State, a double tax on the same; but this clause shall not be construed to extend to any person sent, or to be hereafter sent, abroad in the service of this State, or the United States, until one year after the expiration of his commission. A. D. 1829.
Absentees double taxed.

III. *And be it further enacted*, That all persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of five dollars per day, before making such exhibitions; which sums shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay the same over into the public treasury annually; and in case of non-payment, the clerk of the court, or any justice of the peace or quorum, is hereby authorized and required to issue an execution, for double the amount of the tax, directed to any sheriff or constable of the district, against the body or goods of the person or persons liable to pay the said tax; provided, that nothing herein contained shall be construed to extend to any incorporated town or city. Tax on plays and shows.

IV. *And be it enacted*, That sixty cents shall be levied on every hundred dollars worth of goods, wares and merchandize, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States, or territories thereof, excepted,) which any person shall use or employ as articles of trade, or for sale, barter or exchange, or have in his, her or their possession, on the first day of January, in the year of our Lord one thousand eight hundred and thirty, either on his, her or their own account, or purchased by his, her or their own capital, or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; to be assessed by the assessors and collectors throughout this State, according to the best of their knowledge and information; and that every person or persons making return of such goods, wares or merchandize, to a tax collector, shall take the following oath or affirmation; "I, A. B. do solemnly swear, (or affirm) that the return which I now make, is, to the best of my knowledge and belief, a just and true return of the amount and value of all the goods, wares and merchandize, (the products of this State, or the unmanufactured products of any of the United States, or territories thereof, excepted,) which I held in my possession on the first day of January, one thousand eight hundred and thirty, for sale, barter or exchange, either on my own account, or upon borrowed capital, or on account of others, as agent, attorney or consignee. So help me God." Tax on stock in trade.

Oath.

V. *And be it further enacted*, That if any tax collector shall refuse or neglect to make his return, and pay the taxes, within the time prescribed by law, which had been received by him, it shall be the duty of the treasurer, within whose division such default shall be made, in addition to the coercive power which they now possess, to charge the said collector with interest, at the rate of five per cent per month, from the time he ought to have made such return and paid the taxes, to the time of settlement. Defaulting collectors to pay 5 per cent a month.

VI. *And be it further enacted*, That it shall be the duty of any sheriff or coroner in whose hands a tax execution shall be placed by a tax collector, to collect and pay over the amount for which such execution shall issue, to the treasurer within whose division he may reside, within six months from the time he shall receive the same; and in default thereof, Treasurer to issue executions against Sheriffs and Coroners.

A. D. 1839.

it shall be the duty of the treasurer to issue execution against such sheriff or coroner, for the whole amount expressed in such execution, with interest thereon, at the rate of five per cent. per month, from the time he should have paid the same: *Provided*, that sheriffs and coroners be allowed credit for nulla bona executions as heretofore.

Information to be given of property sold.

VII. *And be it enacted*, That it shall be the duty of every taxable inhabitant of this State, who has, since the first day of October, one thousand eight hundred and twenty-eight, and prior to the first day of October last, sold or transferred the possession of any real or personal property liable to tax, (except stock in trade) to give information, at the time of making his next return, of such sale or transfer, and the name of the person to whom sold or transferred, to the tax collector of the district in which he may reside, to the end that the tax collector may be better enabled to collect the public dues.

Tax on persons who sell Lottery tickets.

VIII. *And be it enacted*, That after the passing of this Act, no person shall open or keep any office for the sale of lottery tickets, in any other lottery than such as may be authorized by the laws of this State, unless such person shall have first paid to the collector of the parish or district a tax of one thousand dollars for such privilege; and if any person shall open or keep any office for the sale of lottery tickets, or shall sell, or offer for sale, any lottery tickets, without having paid such tax, such person, on conviction thereof by indictment, shall forfeit and pay two thousand dollars; and it shall be the duty of the tax collector of the district or parish in which such office shall be kept, or in which such lottery tickets may be sold, or offered for sale, to prosecute all persons who shall offend against the provisions of this Act.

Phoenix Insurance Company allowed to underwrite.

IX. *And be it enacted*, That the Phoenix Insurance Company be, and they are hereby, authorized and permitted to underwrite any policies of insurance, of any kind whatsoever, and of any value, as fully and completely as they were permitted to do anterior to the Act for the year one thousand eight hundred and fourteen; *provided*, the said company pay, into the treasury of this State, four thousand dollars annually, until otherwise directed by law.

Tax on premiums of insurance on foreign capital.

X. *And be it enacted*, That a tax of ten per cent be paid on the amount of all premiums arising from any insurance, or contract for any insurance, against losses by fire, effected in this State, with the agents of any individual, or association of individuals, whose property or capital stock is out of the limits of this State, and not subject to its taxation; and all persons acting as agents for the aforesaid purpose, and who may refuse or neglect to make a return of the amount of premiums received by him or them, shall be double taxed.

Salaries how to be paid.

XI. *And be it enacted*, That the treasurer of each division be, and he is hereby, authorized and required to pay quarterly, at the end of each quarter, all appropriations made for and on account of any officer of this State, or other appropriation, within his division; except the officers of each branch of the Legislature, who shall be paid by the treasurer of the upper division, at the end of the session of the Legislature; and except the pay bills of the members of the Legislature, which shall be paid on presentment at either of the treasuries; and except the officers of the South Carolina College, who shall be paid as heretofore, under their contract with the Board of Trustees, quarterly in advance; and it shall be the duty of either of the treasurers, whenever he shall make any payment, to take a duplicate receipt, and forward the same to the comptroller-general, with his monthly report.

XII. *And be it further enacted*, That if any transient person or persons not

resident in this State, shall at any time sell, or expose to sale, any goods, wares or merchandize whatsoever, in any house, stall or public place, after the first day of January in each year, such person shall make return upon oath, within ten days after commencing to sell as aforesaid, of the whole amount of the stock in trade he may have possessed at that time, to the tax collector of the district or parish in which the said goods, wares or merchandize shall have been or may be sold or exposed to sale; and if any person shall neglect or refuse to make such return as aforesaid, within the time prescribed above, he shall, on conviction thereof by indictment, forfeit and pay the sum of not more than one thousand dollars; unless such person shall have paid for and procured a license according to the provisions of an Act entitled "An Act to increase the price of license to hawkers and peddlars."

A. D. 1829.

Goods of transient persons taxed.

XIII. *And be it enacted*, That it shall be the duty of such tax collector to proceed to collect, from such person so selling as aforesaid, the tax required by law to be paid on stock in trade, within five days after receiving such return.

Said tax to be collected within five days.

XIV. *And be it enacted*, That in case of default, of any tax collector, at any time hereafter, to pay over the poor taxes collected by him, on or before the first day of July in each and every year, it shall and may be lawful for the commissioners of the poor to issue an execution against such defaulting tax collector, for the amount due by him, with interest at the rate of five per cent per month, from the time he should have paid the same.

Poor tax to be paid over to Commissioners

XV. *And be it enacted*, That if any tax collector shall fail or neglect to require a return, on oath, of any person liable to the payment of taxes for the use of the said State, of his or her taxable property, as provided by law, such tax collector shall be subject to a penalty of two hundred dollars, to be recovered by indictment in any court of sessions; one half of which shall be paid into the public treasury, for the use of the said State, and the remainder to the person who shall give information of such neglect and prosecute for the same.

Penalty on tax collectors for not making returns.

XVI. *And be it enacted*, That the Comptroller-general be directed to adjust and settle the claims of the State against William Thurmond, late sheriff of Edgefield district; William D. Martin, administrator of the estate of John Cheney, late sheriff of Beaufort district; Charles Huggins, late sheriff of Georgetown district; John May, late sheriff of Colleton district; Nathaniel Green Cleary, late sheriff of Charleston district; George E. M. Foster, late sheriff of Pendleton district—for tax executions, by deducting from the amounts claimed by the State against them respectively, all such tax executions as shall be proved to him could not have been collected, by reason of the insolvency of the defendants, at the time of the lodging of the executions, or removal of the parties against whom they were issued, as well as all such as were issued against persons who neither resided nor held property within the respective judicial districts of the said sheriffs, and in all cases in which executions were lodged against persons whose property was returned, and the taxes thereon paid in another district, and in all cases in which the tax executions were not signed by the tax collector of the district.

Comptroller-general to settle with certain persons.

XVII. *And be it enacted*, That the Comptroller-general be directed to release the said William Thurmond from all liability on account of tax executions placed in his hands against the town of Hamburg.

W. Thurmond released.

XVIII. *And be it enacted*, That the sheriff of Kershaw district, deliver to Joseph Mickle his note of hand, amounting to two hundred dollars, given for the purchase of James Walker, a free person of color, sold for

Note to be delivered to J. Mickle.

A. D. 1829. taxes; and that the Comptroller-general credit the said sheriff, on settlement, with the amount of the said note.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, and in the fifty-fourth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

B. F. DUNKIN, *Speaker of the House of Representatives.*

No. 2498. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND TWENTY-NINE; AND FOR OTHER PURPOSES.

Appropriations I. *Be it enacted*, by the Senate and House of Representatives, That the following sums be, and they are hereby, appropriated for the salaries of the public officers, and other expenses and purposes of Government:

For the salary of the Governor, three thousand five hundred dollars.

For the salaries of three Judges of the Court of Appeals, each three thousand five hundred dollars.

For the salary of one judge of the court of common pleas, two thousand five hundred and seventy-two dollars.

For the salary of the Attorney-General, twelve hundred dollars.

For the salary of the Comptroller-general, fifteen hundred dollars.

For the salaries of the Circuit Solicitors, each seven hundred dollars.

For the salary of clerk of the Comptroller-general, to be appointed by him and removable at his pleasure, seven hundred and fifty dollars.

For the salary of the Treasurer of the lower division, and for transacting the business of the loan office, of the five and six per cent. stock of the State, and for clerks, two thousand dollars.

For the salary of the Treasurer of the upper division, including clerk's hire, sixteen hundred dollars.

For the salary of the Clerks of the Senate and House of Representatives, each twelve hundred and thirty dollars, to be paid at the adjournment of the Legislature.

For the contingent fund, subject to the draft of the Governor, of the expenditure of which he shall submit an annual account to the Legislature, six thousand dollars.

For the pay of the Members of the Legislature, and the Solicitors, during the present session of the Legislature, eighteen thousand dollars, if so much be necessary.

For two Messengers and two Doorkeepers, each two hundred and fifty dollars, to be paid at the close of the session.

For the rent of the Governor's house in Columbia, four hundred dollars.

For the payment of the contingent accounts of the lower division, five thousand four hundred dollars, if so much be necessary.

For the payment of the contingent accounts of the upper division, ten thousand six hundred dollars, if so much be necessary.

For the salary of the President of the South Carolina College, three thousand dollars.

For the salaries of the Professor of Metaphysics, Moral Philosophy and the Evidences of Christianity, of the Professor of Mathematics, of the Professor of the Elements of Criticism, Logic and the Philosophy of Languages, and the Professor of Languages, each two thousand dollars.

For the assistant to the President, as acting Professor of Chemistry, one thousand dollars. A. D. 1829.

For the salaries of two Tutors in the College, each one thousand dollars.

For the salary of the Treasurer and Librarian of the College, four hundred dollars.

II. *Be it enacted* by the authority aforesaid, That the salaries of the President, Professors and Tutors of the South Carolina College, be hereafter paid by the treasurer of the upper division, quarterly in advance, their drafts for each payment being countersigned by the Treasurer of College. Salaries of Professors in College, how to be paid.

For the commons and other incidental expenses of one student in the College, from the Orphan House in Charleston, during the ensuing year, two hundred and sixty dollars; to be paid to the Cashier of the Branch Bank at Columbia, for the use of the said student.

For the commons and other incidental expenses of one student in the College from the Winyaw Indigo Society, during the ensuing year, two hundred and sixty dollars; to be paid to the Cashier of the Branch Bank, at Columbia, for the use of such student.

For the Librarian of the Legislature, one hundred dollars.

For the pay of the keeper of the State House in Columbia, one hundred dollars.

For the salary of the Adjutant and Inspector General, fifteen hundred dollars.

For the pay of the Arsenal keeper in Charleston, four hundred and fifty dollars.

For the pay of the magazine guard, near Charleston, to consist of an officer, a sergeant and twelve privates, three thousand two hundred dollars, to be paid under the direction of the Comptroller-general.

For the pay of the arsenal keeper in Abbeville, two hundred dollars.

For the pay of the arsenal keeper and powder receiver in Beaufort, two hundred dollars.

For the pay of the Physician of the magazine guard and gaol in Charleston, four hundred and fifty dollars.

For the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars.

For the payment of pensions and annuities, twenty thousand dollars, if so much be necessary.

For the support of the Transient Poor of Charleston, payable to the City Council, four thousand five hundred dollars.

For the support of the transient poor of Georgetown, three hundred dollars; to be expended by the commissioners of the poor of Prince George Winyaw, who shall publish annually, in the Georgetown papers, the names of such transient poor, and the sums paid to each; and return, annually, on oath, to the comptroller-general, an account of their expenditures, to be submitted to the Legislature. Transient poor of Georgetown.

For the support of the Transient poor of the town of Beaufort, two hundred dollars; to be paid to the town council, who shall make an annual return of their expenditures to the Comptroller-general, to be submitted to the Legislature. Transient poor of Beaufort.

For the support of free schools, thirty-seven thousand two hundred dollars.

For Daniel and John M. Faust, for printing the Acts and Resolutions of the Legislature, the resolutions for the general election, and the Journals of the Senate, eighteen hundred dollars: *Provided*, the Acts and Resolutions be printed and deposited in the office of the Secretary of State,

Acts.

A. D. 1829.

in Columbia, on or before the fifteenth day of February, after the session of the Legislature, and four weeks after each extra session; otherwise only one thousand three hundred dollars.

For David Sims, for printing the Journals of the House of Representatives, fifteen hundred dollars.

For the payment of claims, according to the reports of the committees on claims, concurred in by both branches of the Legislature, twenty thousand dollars, if so much be necessary.

For the reading clerks of the House of Representatives and the Senate, each two hundred dollars, to be paid at the adjournment of the Legislature.

For the Assessor of St. Philip's and St. Michael's, eight hundred dollars.

For the salary of the State Reporter, one thousand dollars.

For the city council of Charleston, for the execution of the quarantine laws, one thousand dollars.

For the Pilot of the bar and harbor of Georgetown, three hundred and twenty dollars.

For the support of a magazine and town guard of Georgetown, five thousand dollars, to be expended under the orders of his Excellency the Governor.

For the repairs of the arsenal at Beaufort, and for the repairs and equipment of two pieces of artillery now therein, the sum of eight hundred dollars, if so much be necessary; and Thomas Talbird, William Barnwell and Henry M. Stewart, are hereby appointed commissioners to draw for and apply the same, and report their proceedings to the Legislature at their next session.

Field piece to
be repaired.

III. *Be it further enacted*, That the sum of eighty dollars be appropriated for the repairs of a field piece belonging to the Newberry Lafayette artillery company, if so much be necessary; and that Simeon Fair, G. W. Shell and Spencer Harrington, are appointed a committee to draw for and apply the same.

For the salary of the Clerk of the Court of Appeals in Charleston, three hundred dollars.

For the salary of the Clerk of the Court of Appeals in Columbia, three hundred dollars.

For the insurance of the buildings of the South Carolina College, five hundred dollars, if so much be necessary.

For Captain Abraham M'Cullough, for expenses in remounting a field piece belonging to his company of artillery, one hundred and twenty-five dollars.

For Oswald Houston, for repairs to a field piece, sixteen dollars sixty cents.

For Adam Todd, for repairs to a field piece, twenty-two dollars seventy-five cents.

For William Thurmond, late sheriff of Edgely, his costs on executions in behalf of the State, returned nulla bona, thirty-three dollars and sixty cents.

Appropriation
for free schools
in St. Luke's
parish.

IV. *And be it enacted*, That the commissioners of free schools for the parish of St. Luke's be authorized to draw on the treasury for the sum of five hundred and ninety-one dollars eighty-four and a half cents, appropriated for the free schools in said parish, for the year one thousand eight hundred and twenty-eight.

For W. W. Trapier, administrator of the estate of Paul Trapier, deceased, amount of taxes of said estate, paid by mistake, thirty-one dollars eight cents.

For the commissioners of free schools of St. Andrew's parish, seventy two dollars, for the payment of a contract entered into by them during the past year.

A. D. 1829.

For the completion of the contracts on the Camden road and Santee swamp, as authorized by the report of one thousand eight hundred and twenty-seven, four thousand seven hundred and nine dollars and fifty cents.

For John Peay and James B. Pickett, for lands occupied and damages sustained by the Rocky Mount Canal, six hundred dollars; to be paid by the Superintendant on their executing satisfactory titles for said lands.

For James Westbrook, for services rendered in surveying and effecting sales of lands near Rocky Mount, two hundred and fifty-nine dollars and fifty cents.

For John Dunovant, executor of J. W. Gore, deceased, for rent of lands occupied by Rocky Mount Canal, in full, one hundred and thirty dollars.

V. *And be it further enacted*, That all undrawn appropriations for internal improvements, not necessary for the completion of the particular works for which such appropriations were made, be, and the same are hereby, repealed. Repealing clause.

For public buildings, twenty-five thousand dollars, if so much be necessary.

For repairing the State House, &c., if so much be necessary, three thousand dollars.

For erecting a new gaol in Lexington district, eight thousand dollars, if so much be necessary.

VI. *And be it further enacted*, That the sum of three thousand dollars be appropriated for the purchase of a lot of land, and the erection of suitable buildings thereon, on Charleston Neck, for a Cattle Market; the said sum shall be subject to the draft of the South Carolina Agricultural Society, who are authorized to carry the intentions of the Legislature into effect, in the establishment of the said market, and to make all such by-laws, and regulations for the government thereof, which they shall judge from time to time to be necessary and proper. Cattle market near Charleston.

For the Intendant and Wardens of the town of Columbia, eight hundred dollars, for the support of such a guard for the State House in Columbia, as will afford four centinels from sundown to sunrise, through the year.

VII. *And be it further enacted*, That the clerks of the court of appeals at Charleston and Columbia, be, and are hereby, authorized to draw their salaries quarterly; the clerk at Columbia, from the treasury of the upper division, and the clerk at Charleston, from the treasury of the lower division. Clerks of the Appeal Court to draw their salaries quarterly.

VIII. *And be it further enacted*, That the sum of three thousand five hundred and ninety-one dollars, pursuant to the joint resolution of both branches of the Legislature, (being part of the sum of five thousand two hundred and fifty dollars appropriated in one thousand eight hundred and twenty-seven, for the Winyaw and Wando Canal Company,) be, and the same is hereby, appropriated for Robert Hume, on his giving a full and final discharge to the State, for all claims against the State, as a stockholder of the company, on account of his share of the balance of the debt due to him, according to his petition. Appropriation for Winyaw and Wando Canal Company.

IX. *And be it further enacted*, That the Comptroller-general be, and he is hereby, authorized to cancel the bond of Thomas Harrison, late treasurer of the upper division, provided he be satisfied that the accounts of said treasurer have been satisfactorily settled. Bond of T. Harrison to be cancelled.

A. D. 1830.



No. 2500.

AN ACT CONCERNING THE PUBLIC WORKS.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Superintendant of Public Works is hereby authorized to lease, at public sale, the water power on the several canals of the State, for any term not exceeding ten years, subject to the provisions of the Act "concerning the Canals of this State," passed on the twentieth of December, in the year of our Lord one thousand eight hundred and twenty-five.*

II. *And be it further enacted*, That the Superintendant of public works, and any person employed by him to keep in repair any portion of a State turnpike, is hereby invested with the same power to call out the inhabitants and their slaves to work on such turnpike, that was heretofore granted to the lessees of toll gates, by the ninth section of the Act "concerning the State roads," passed on the seventeenth December, one thousand eight hundred and twenty-four;† and that all such inhabitants shall, for neglect or disobedience of orders, incur the same penalties as are imposed by that Act.

III. *And be it further enacted*, That the Superintendant of public works be authorized and required to keep the several public canals and turnpike roads in good repair, and to defray the expenses thereof out of the State tolls: *Provided*, that no contract for such repairs, to exceed the amount of the tolls, shall at any time be made, without having been first submitted to and sanctioned by the Legislature.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fifth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE POOR TO BIND TO SERVICE ILLEGITIMATE CHILDREN.

No. 2501.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the commissioners of the poor shall have power to bind out to service illegitimate children, and children of paupers, in all cases where such children are likely to become chargeable to the district, or are liable to be demoralized by the vicious conduct and evil example of their mothers, or other persons having the charge of them; and it shall be the duty of the commissioners of the poor in each and every district of this State, upon information made to them that any illegitimate child, above the age of five years, is likely to become chargeable to the district, or from the vicious conduct and evil example of the mother of the said child, or other person having it in charge, is likely to become demoralized and brought up in vice and idleness, to cause such child to be bound to service, in charge of some person of good character, a female child, until she attains the age of sixteen years, and a male child, until he attains the age of seventeen years.

Commissioners
of the poor to
bind out illegi-
timate and
pauper chil-
dren.

* Ante, 267.

† Ante, 239.

II. *And be it further enacted* by the authority aforesaid, That the monies remaining due, on any recognizance given under the Act of seventeen hundred and ninety-five, for the maintenance of any illegitimate child, at the time such child shall be bound to service, shall be paid into the hands of the commissioners of the poor, for the benefit of such illegitimate child so bound to service by virtue of this Act.

A. D. 1830.

Bastardy.

III. *And be it further enacted*, That whenever the amount which any person shall receive sentence to pay, on a conviction of bastardy, cannot be raised by binding him out to service, as now provided by law, a *fiery facias* shall issue against his property, and on the same being returned nulla bona, a *Ca. Sa.* shall issue against him, as in ordinary convictions in the court of sessions.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fifth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

AN ACT TO ENLARGE THE POWERS AND INCREASE THE DUTIES OF THE MASTERS AND COMMISSIONERS IN EQUITY IN THIS STATE. No. 2502.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That either party to any suit in equity, shall have the right, upon giving the adverse party, his, her or their solicitor or agent, ten days notice thereof, to examine any witness or witnesses before the master or commissioner in equity of the district in which such cause is to be tried; and it shall be the duty of the master or commissioner, upon the application of the party, his, her or their solicitor or agent, desiring such examination, to issue a writ of subpoena for such witnesses, and upon their coming before him, to commit to writing the testimony they give upon oath, each party having all the rights of cross examination and exception to the admissibility of testimony, now allowed by law; and it shall be the duty of the master or commissioner to certify such examination and testimony to the court, to be read in evidence on the trial of the cause; and for this service the said master or commissioner shall be paid by the copy sheet.

A party shall have the right to summon witnesses, and have them examined before the Commissioner.

II. *And be it further enacted*, That on the application of a party in a cause to have his, her or their witness examined, the master or commissioner shall appoint a day for that purpose, and shall cause the adverse party to be notified; and if on the day appointed the adverse party shall not attend, or attending shall not shew sufficient cause for the postponement of the examination, the master or commissioner shall proceed to examine all witnesses produced, and shall continue the examination from day to day, until all the witnesses be examined; and if any witness, duly subpoenaed to attend before the master or commissioner, shall fail to do so, the master or commissioner shall have power to issue a rule, requiring such witness to shew cause why an attachment should not issue against him; and upon failing to shew sufficient cause, the master or commissioner shall have power to grant attachments for contempt.

A Master or Commissioner in Equity shall appoint a day for examining witnesses, &c.

A. D. 1830.

A party may require the personal attendance of a witness.

III. *And be it further enacted*, That if any party shall shew cause satisfactory to the court for requiring the examination of the witness or witnesses of the adverse party in open court, on the trial of the cause before the chancellor, he, she or they shall be entitled to the usual process of the court, to procure the personal attendance of such witness, and shall not be compelled to go to trial until such attendance be procured, if practicable.

Masters and Commissioners may grant writs of partition, &c.

IV. *And be it further enacted*, That the master or commissioner in equity shall have power, as the chancellors now have, to grant writs of partition of real or personal estate, to be returnable to the next court of chancery, for the adjudication of the chancellor; to make orders of reference in matters of account; to appoint guardians *ad litem*; and to grant leave to amend the pleadings and make new parties; subject always to the final judgment of the chancellor at the next succeeding term of the court.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fifth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2503. AN ACT to establish certain Roads, Bridges and Ferries.
(Passed December 18, 1830. *See last volume.*)

No. 2504. AN ACT to change the place of Company Muster in St. James Santee.
(Passed December 18, 1830. *See last volume.*)

No. 2505. AN ACT to renew the Charter of the Planters' and Mechanics' Bank, and of the Union Bank of South Carolina.
(Passed December 18, 1830. *See last volume.*)

No. 2506. AN ACT to establish the dividing line between the 26th and 27th Regiments of Militia, and to lay off a new Beat Company at and around Sumterville.
(Passed December 18, 1830. *See last volume.*)

A. D. 1839.

AN ACT TO ALTER AND AMEND THE LAW AGAINST HORSE STEALING. No. 2507.

I. *Be it enacted*, by the Senate and House of Representatives, That from and immediately after the passing of this Act, any person who shall be indicted and found guilty of stealing a horse, mare, gelding, colt, filly, mule or ass, shall, for the first offence, receive not less than fifty lashes nor more than two hundred, to be inflicted at such times as the judge before whom he may be tried shall think proper, and also be fined and imprisoned at the discretion of the court; and for the second offence, shall be adjudged and deemed guilty of felony, and suffer death without benefit of clergy.

Horse stealing
punished by
whipping.

II. *And be it further enacted*, That all Acts or parts of Acts inconsistent with this Act, be, and the same are hereby, repealed.

In the Senate House, this eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fifth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

AN ACT TO INCORPORATE THE VILLAGE OF LANCASTER.

No. 2508.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the village of Lancasterville, extending half a mile in every direction from the court house, be, and the same is hereby, incorporated, by the name of the village of Lancasterville.

Village incor-
porated.

II. On the first Monday in March in each and every year, an election shall be held in the court house, by ballot, for five commissioners of streets and markets; and that all free white male inhabitants of said place, of the age of twenty-one years, who are citizens of this State, and have resided within the limits of said corporation for twelve months preceding said election, shall be entitled to vote for said officers.

To be governed
by Commis-
sioners.

III. It shall be the duty of said commissioners to appoint managers to hold said elections, as well as vacancies that may occur, who shall give ten days notice of said elections, by advertising the same on the court house door.

IV. The said commissioners are hereby vested with all the powers of commissioners of roads, within said limits; and the inhabitants of said village are hereby required to work on the roads and streets within said limits, and nowhere else.

V. The said commissioners are hereby empowered to pass and enforce all such ordinances as are necessary for the health, quiet and good order of said village; for the regulation of the streets, roads and markets; and the performance of patrol duty within the limits of said village; to lay and collect fines for transgressing any of said ordinances, and for the neglect of patrol duty according to the laws now in force: *Provided*, no ordinance shall be valid which is repugnant to the laws of the land; and no fine above the sum of twenty dollars shall be collected, except by suit in the court of common pleas.

Powers and
duties of Com-
missioners.

A. D. 1830.

VI. The following persons, Robert W. Gill, John McKenzie, Amasa Howard, Joseph Lee and William Royal, are hereby appointed commissioners of streets and markets of said village, to continue in office until the first Monday in March next.

VII. That this Act shall be taken and deemed a public Act, and shall continue and be of force for the term of one year, and from thence until the expiration of the next session of the Legislature.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fifth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2509. AN ACT TO CONFIRM THE SALE OF THE GLEBE OF THE PARISH OF ST. JAMES SANTEE, TO WM. LUCAS, AND TO AUTHORIZE THE TWO VESTRIES OF THE SAID PARISH TO MAKE HIM TITLES.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the two vestries of the parish of St. James Santee, be, and they are hereby, authorized to convey to William Lucas the glebe of the said parish, purchased by him from them; and to receive therefor from the said Wm. Lucas, the sum of five hundred and fifty-five dollars, the amount of the purchase money, and also such interest as may be according to the terms of sale.

In the Senate House, this eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fifth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2510. AN ACT to conform the Military with the Judicial Divisions of Pendleton district; and for other purposes.

(Passed December 18, 1830. *See last volume.*)

No. 2511. AN ACT to form a Squadron of Cavalry in the Eighth Brigade.

(Passed December 18, 1830. *See last volume.*)

A. D. 1830.


AN ACT to authorize the City Council of Charleston to fill up low lots and grounds in the City of Charleston, in certain cases; and for other purposes.

No. 2512.

(Passed December 18, 1830. *See last volume.*)

AN ACT GIVING TO THE TOWN COUNCIL OF CAMDEN THE POWER OF REGULATING THE PERFORMANCE OF PATROL DUTY; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2513.

I. *Be it enacted*, That the town council of Camden shall hereafter have power, by ordinance or ordinances, to regulate the performance of patrol duty in said town—and for the purpose of carrying their ordinances into effect, may affix penalties to the same, not exceeding twenty dollars for any one offence, to be recovered by summons from and returnable before said town council; and that the said town council have power to receive a pecuniary commutation in lieu of personal service for the performance of patrol duty, the same to be regulated by ordinance; and that the said town council have the power to appoint a recorder and marshal, who shall, ex officio, be a justice of the peace, except for the trial of small and mean causes.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fifth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

AN ACT to authorize the formation of a Company for the purpose of constructing a Turnpike Road from Edgefield Court House to the town of Hamburg. No. 2514.

(Passed December 18, 1830. *See last volume.*)

AN ACT TO DISPOSE OF CERTAIN ESCHEATED ESTATES.

No. 2515.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State, in and to the estate, real and personal, whereof Thomas Price, an alien, late of Spartanburgh district, died seized and possessed, be vested in the next of kin of Ann Price,

A. D. 1830. deceased, the widow of said Thomas Price, their heirs and assigns, forever.

II. *And be it further enacted* by the authority aforesaid, That all the right, title and interest of the State, in and to the real estate whereof Wilkins Peacock, an illegitimate, died seized and possessed, be vested in Martha Peacock, the mother, Louisa Wood, the sister, and Ralph Grubs, the brother, of the said Wilkins Peacock, to be equally divided between them, share and share alike.

In the Senate House, this eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fifth year of the Independence of the United States of America

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2516.

AN ACT to Incorporate certain Societies.

(Passed December 18, 1830. *See last volume.*)

No. 2517.

AN ACT TO INCORPORATE THE VILLAGE OF EDGEFIELD.

Edgefield Village incorporated.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons, citizens of the United States, who now own, or may hereafter own, dwelling houses in the village of Edgefield, and those who may occupy such dwelling houses under lease, shall be deemed, and are hereby declared, a body politic and corporate, and that the said village shall be called and known by the name of Edgefield, and its limits shall be held and deemed to extend for one mile, in every direction, from the court house situated therein.

Government of said village.

II. *And be it further enacted*, That the said village shall be governed by an intendant and four wardens, who shall be appointed, in the first instance, by the delegation of Edgefield district, and shall continue in office until the second Monday in September next, on which day, as well as on the second Monday in September of every year thereafter, an election shall be held for an intendant and four wardens, (who shall always be freeholders within the limits of the said village,) at such place as the intendant and wardens shall designate, ten days notice being previously given; and that all free white male inhabitants of the said village, who have attained the age of twenty-one years, and have resided therein three months previous to the election, shall be entitled to vote for the said intendant and wardens; the election to be held from nine o'clock in the morning until three o'clock in the afternoon; and when the poll shall be closed, the managers shall proclaim the election, and give notice thereof, in writing, to the persons elected; and that the intendant and wardens for the time being shall always appoint three managers to hold the ensuing elections. That the intendant and wardens, before entering upon the duties of their offices, shall take the oath prescribed by the constitution of this State, and

also the following oath, to wit: "As intendant, or warden, of Edgefield, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and to carry into effect, according to law, the purposes of my appointment. So help me God."

A. D. 1830.

III. *And be it further enacted*, That in case a vacancy shall occur in the office of intendant, or any of the wardens, by death, resignation, removal from office, or absence from the State, an election shall be held by the appointment of the intendant and wardens, or wardens, as the case may be, ten days previous notice being given; and in case of the sickness or temporary absence of the intendant, the wardens forming a council shall be empowered to elect one of themselves to act as intendant during the time.

Vacancies how to be filled.

IV. *And be it further enacted*, That the intendant and wardens, duly elected and qualified, shall, during their term of service, severally and respectively, be vested with all the powers of justices of the quorum of this State, within the limits of the said village. That the intendant shall and may, as often as occasion may require, summon the wardens to meet him in council, a majority of whom shall constitute a quorum for the transaction of business, and shall be known by the name of the "Town Council of Edgefield;" and they, and their successors in office, may have a common seal, and shall have power and authority to appoint, from time to time, such and so many proper persons to act as constables within their jurisdiction according to law, as they shall deem expedient and proper; which constables shall have all the powers, privileges and emoluments, and be subject to all the duties, penalties and regulations, provided by the laws of the State for the office of constable; and the intendant and wardens in council shall have power, under their corporate seal, to ordain and establish all such rules, by-laws and ordinances, respecting the streets, ways, markets and police of said village, as shall appear to them proper for the security, welfare and convenience of said village, and for preserving health, peace, order, and good government within the same; and the said council may affix fines for offences against such by-laws and ordinances, and appropriate the same to the use of the corporation; but no fine shall exceed fifty dollars; and when fines exceed ten dollars, they may be recovered in the court of sessions for Edgefield district; and when they are of the amount of ten dollars or under, they may be recovered before the said intendant and wardens, in council; *provided*, that nothing herein contained shall empower the said council to ordain or establish any by-laws or ordinances inconsistent with or repugnant to the laws of the land; and all such by-laws and ordinances shall at all times be subject to the revisal or repeal of the Legislature.

Powers and duties of the corporation.

V. *And be it further enacted*, That the said intendant and wardens shall have power to abate and remove nuisances within the said limits, and to classify and arrange the inhabitants liable to do patrol duty, and to require them to perform such duty as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now or may be hereafter established by law; and the said intendant and wardens, or any one of them, upon view thereof, or upon complaint lodged on oath, are hereby required and authorized to issue warrants against all offenders, and cause them to be brought before them or him, and upon due examination, shall either release, admit to bail, if the offence be bailable, or commit to gaol, such offenders, as the case may require; and the sheriff of Edgefield district is hereby required to receive and keep the

Nuisances to be abated and patrol duty performed.

A. D. 1830.

persons so committed, until discharged by due course of law; and that the said intendant and wardens shall collectively and severally have cognizance, within the said corporate limits, in all criminal cases, as justices of the peace and quorum have, according to law.

Streets to be kept open.

VI. *And be it further enacted*, That it shall be the duty of the said intendant and wardens to keep all roads, streets and alleys, within the said limits, open and in good repair; and for that purpose they are invested with all the powers granted by law to the commissioners of roads; and for neglect of duty they shall be liable to the penalties imposed by law on commissioners of roads for like neglect.

Council may compound with those liable to work thereon.

VII. *And be it further enacted*, That the said intendant and wardens shall have power to compound with persons liable to work on the said roads, streets and alleys, and to release such persons as may desire it, upon the payment of such sum of money as they may deem a fair equivalent therefor, to be applied by them to the use of said corporation; and no person residing within said limits shall be liable to work on any road without the said limits, or be taxed or assessed for the same.

VIII. *And be it further enacted*, That this Act shall be taken and deemed as a public Act in all courts of justice, and shall continue in force for seven years, and until the end of the next session of the Legislature thereafter.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fifth year of American Independence.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2518. AN ACT FOR THE FURTHER REGULATION OF MAGISTRATES AND CONSTABLES, OF THE PARISHES OF ST. PHILIP'S AND ST. MICHAEL'S.

Board of Magistrates.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the eight magistrates appointed for the parishes of St. Philip's and St. Michael's, in pursuance of an Act, passed in December, one thousand eight hundred and twenty-seven, entitled "An Act for the better administration of justice, in the trial of causes small and mean, within the parishes of St. Philip's and St. Michaels, and for other purposes therein mentioned," be authorized and required, from and immediately after the passing of this Act, to organize themselves into a board, with power to elect a chairman, and form rules for their government, and for the government of their courts.

Constables to be tried by Magistrates.

II. *And be it further enacted*, That the said board of magistrates shall be, and are hereby, vested with the power of trying the constables now appointed or hereafter to be appointed by them, for misbehavior or malfeasance in office, and to suspend or remove from office such constable or constables as shall be convicted thereof by a majority of the said board.

Regulations of the said Act for the city of Charleston.

III. *And be it further enacted*, That the six magistrates appointed by the said Act, for the city of Charleston, be hereafter divided into two judicial magistrates and four ministerial magistrates—the former to have the exclusive right of trying and adjudging all small and mean causes within the said city—the latter to have the exclusive right of issuing civil process within the

said city; and the said board of magistrates are hereby authorized and required, from and immediately after the passing of this Act, annually to elect from their number two of the said city magistrates to act for the term of one year as judicial magistrates aforesaid; and the said board shall have power to supply vacancies arising from the death, resignation, removal from office, absence from the State, or temporary disability, of either of the judicial magistrates aforesaid. And the said judicial magistrates shall receive as their compensation for the services aforesaid, the sum of twenty-five cents for each and every case that shall be brought before them, to be paid on the docketing of the case; and the other, or ministerial magistrates, shall receive all other fees authorized by law in magistrates's cases.

A. D. 1830.

IV. *And be it further enacted*, That from and after the passing of this Act, the freeholders and slave holders within the said parishes shall have the exclusive power of determining, without the intervention of the magistrate or magistrates, the question of guilty or not guilty, on the trial of any slave or free person of color, for any offence, within the said parishes.

V. *And be it further enacted*, That three freeholders or slave holders shall hereafter be necessary for the trial of any slave or free person of color, for any offence not capital, within the said parishes, instead of two, as now established by law.

VI. *And be it further enacted*, That all Acts and parts of Acts repugnant hereto, be, and the same are hereby, repealed.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fifth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

AN ACT TO VEST IN ANN BREEN AND ELIZABETH BREEN, HER DAUGHTER, CERTAIN ESCHEATED REAL ESTATE IN THE CITY OF CHARLESTON. No. 2519.

WHEREAS, Ann Breen and Elizabeth Breen, her daughter, have, by their petition, prayed that certain escheated real estate in the city of Charleston, of which Philip Breen, deceased, was at the time of his death seized and possessed, should be vested in them.

I. *Be it therefore enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, all the right, title and interest of the State, of, in, and to the said real estate, be vested in the said Ann Breen and Elizabeth Breen, their heirs and assigns forever.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fifth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

A. D. 1830.

No. 2520. AN ACT TO AUTHORIZE THE PRESIDENT AND DIRECTORS OF THE BANK OF THE STATE OF SOUTH CAROLINA TO ESTABLISH A BRANCH OF THE SAID BANK AT HAMBURGH.

I. *Be it enacted*, by the Senate and House of Representatives, That the President and Directors of the Bank of the State of South Carolina, shall, whenever they may deem it expedient, establish a Branch of the said Bank, or an agency, at the town of Hamburg, with like powers and authority, and in like manner, as the Branch now established at Columbia.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fifth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No 2521. AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-ONE.

Tax to be raised on lands, negroes, &c. to be paid in notes of the incorporated Banks of this State, &c.

I. *Be it enacted* by the Senate and House of Representatives, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, for the use and service thereof; that is to say, thirty cents ad valorem on every hundred dollars, of the value of all lands granted in this State; the sum of sixty cents per head on all slaves of every description; and the sum of two dollars on all free negroes, mulattoes, and mestizoes, between the ages of fifteen and fifty; (except such as shall be clearly proved, to the satisfaction of the collectors, to be incapable, from maims or otherwise, of providing a livelihood,) thirty cents ad valorem on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough; including all lots, and portions of lands, on which buildings may be erected, in the immediate vicinity of any city, town, village or borough, which may have been made, or shall hereafter be made, with a view to a city, town, village, or borough settlement, or as shall ordinarily be regarded as forming a part of any city, town, village, or borough in this State; and sixty cents per hundred dollars, on factorage employments, faculties and professions, whether in the profession of the law the profits be derived from costs of suit, fees, or other sources of professional income, and on the amount of commissions received by vendue-masters and commission merchants, (clergymen, schoolmasters, schoolmistresses and mechanics, excepted;) to be ascertained and rated by the assessors and collectors throughout this State, according to the best of their knowledge and information; to be paid in specie, paper medium, or the notes of the specie paying banks of this State.

Faculties and Professions.

Tax collectors must issue executions.

II. *And be it further enacted*, That the tax collectors of this State are authorized and required to issue their executions against all such free negroes, mulattoes, and mustizoes, as shall neglect or refuse to pay the

tax imposed by this Act, directed to the sheriffs of the said State, requiring them to sell, for a term not exceeding one year, the service of said free negroes, mulattoes, or mustizoes, to meet the payment of the tax imposed; *provided*, that the sheriff shall not sell the service of any free negro, mulattoe, or mustizoe, for a longer term than shall be necessary to pay and discharge the taxes due.

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III. *And be it further enacted*, That any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay, for the use of the State, a double tax on the same; but this clause shall not be construed to extend to any person sent, or to be hereafter sent, abroad in the service of this State, or the United States, until one year after the expiration of his commission.

Absentees
double taxed.

IV. *And be it enacted*, That all persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of five dollars per day, before making such exhibitions; which sums shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay the same over into the public treasury annually; and in case of non-payment, the clerk of the court, or any justice of the peace or quorum, is hereby authorized and required to issue an execution, for double the amount of the tax, directed to any sheriff or constable of the district, against the body or goods of the person or persons liable to pay the said tax; provided, that nothing herein contained shall be construed to extend to any incorporated town or city.

Tax on plays
and shows.

V. *And be it enacted*, That sixty cents shall be levied on every hundred dollars worth of goods, wares and merchandize, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States, or territories thereof, excepted,) which any person shall use or employ as articles of trade, or for sale, barter or exchange, or have in his, her or their possession, on the first day of January, in the year of our Lord one thousand eight hundred and thirty-one, either on his, her or their own account, or purchased by his, her or their own capital, or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; to be assessed by the assessors and collectors throughout this State, according to the best of their knowledge and information; and every person or persons making return of such goods, wares or merchandize, to a tax collector, shall take the following oath or affirmation; "I, A. B. do solemnly swear, (or affirm) that the return which I now make, is, to the best of my knowledge and belief, a just and true return of the amount and value of all the goods, wares and merchandize, (the products of this State, or the unmanufactured products of any of the United States, or territories thereof, excepted,) which I held in my possession on the first day of January, one thousand eight hundred and thirty-one, for sale, barter or exchange, either on my own account, or upon borrowed capital, or on account of others, as agent, attorney or consignee. So help me God."

Tax on stock
in trade.

Oath.

VI. *And be it further enacted*, That if any tax collector shall refuse or neglect to make his return, and pay the taxes, within the time prescribed by law, which had been received by him, it shall be the duty of the treasurer, within whose division such default shall be made, in addition to the coercive power which they possess, now to charge the said collector with interest, at the rate of five per cent per month, from the time he ought to have made such return and paid the taxes, to the time of settlement.

Defaulting col-
lectors to pay
5 per cent a
month.

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Treasurer to
issue execu-
tions against
Sheriffs and
Coroners.

VII. *And be it enacted*, That it shall be the duty of any sheriff or coroner in whose hands a tax execution shall be placed by a tax collector, to collect and pay over the amount for which such execution shall issue, to the treasurer within whose division he may reside, within six months from the time he shall receive the same; and in default thereof, it shall be the duty of the treasurer to issue execution against such sheriff or coroner, for the whole amount expressed in such execution, with interest thereon, at the rate of five per cent. per month, from the time he should have paid the same: *Provided*, that sheriffs and coroners be allowed credit for nulla bona executions as heretofore.

Information to
be given of
property sold.

VIII. *And be it enacted*, That it shall be the duty of every taxable inhabitant of this State, who has, since the first day of October, one thousand eight hundred and twenty-nine, and prior to the first day of October last, sold or transferred the possession of any real or personal property liable to tax, (except stock in trade) to give information, at the time of making his next return, of such sale or transfer, and the name of the person to whom sold or transferred, to the tax collector of the district in which he may reside, to the end that the tax collectors may be better enabled to collect the public dues.

Tax on persons
who sell
Lottery tickets.

IX. *And be it enacted*, That after the passing of this Act no person shall open or keep any office for the sale of lottery tickets, in any other lottery than such as may be authorized by the laws of this State, unless such person shall have first paid to the tax collector of the parish or district a tax of five thousand dollars for such privilege; and if any person shall open or keep any office for the sale of lottery tickets, or shall sell, or offer for sale, any lottery tickets, without having paid such tax, such person, on conviction thereof by indictment, shall forfeit and pay ten thousand dollars; and it shall be the duty of the tax collector of the district or parish in which such office shall be kept, or in which such lottery tickets may be sold, or offered for sale, to prosecute all persons who shall offend against the provisions of this Act.

Appropriations
to be paid.

X. *And be it enacted*, That the treasurer of each division be, and he is hereby, authorized and required to pay quarterly, at the end of each quarter, all appropriations made for and on account of any officer of this State, or other appropriation, within his division; except the officers of each branch of the Legislature, who shall be paid by the treasurer of the upper division, at the end of the session of the Legislature; and except the pay bills of the members of the Legislature, which shall be paid on presentment at either of the treasuries; and except the officers of the South Carolina College, who shall be paid as heretofore, under their contract with the Board of Trustees, quarterly in advance; and it shall be the duty of either of the treasurers, whenever he shall make any payment, to take a duplicate receipt, and forward the same to the comptroller-general, with his monthly report.

Goods of trans-
ient persons
taxed.

XI. *And be it enacted*, That if any transient person or persons not resident in this State, shall at any time sell, or expose to sale, any goods, wares or merchandize whatsoever, in any house, stall or public place, after the first day of January in each year, such person shall make return upon oath, within ten days after commencing to sell as aforesaid, of the whole amount of the stock in trade he may have possessed at the time, to the tax collector of the district or parish in which the said goods, wares or merchandize shall have been or may be sold or exposed to sale; and if any person shall neglect or refuse to make such return as aforesaid, within the time prescribed above, he shall, on conviction thereof by indictment, forfeit and pay the sum of not more than one thousand dollars; unless such

person shall have paid for and procured a license according to the provisions of an Act entitled "An Act to increase the price of license to hawkers and pedlars."

A. D. 1830.

XII. *And be it enacted*, That it shall be the duty of such tax collector to proceed to collect, from such person so selling as aforesaid, the tax required by law to be paid on stock in trade, within five days after receiving such return. Said tax to be collected with- in five days.

XIII. *And be it enacted*, That if any tax collector shall fail or neglect to require a return, on oath, of any person liable to the payment of taxes for the use of the said State, of his or her taxable property, as provided by law, such tax collector shall be subject to a penalty of two hundred dollars, to be recovered by indictment in any court of sessions; one half of which shall be paid into the public treasury, for the use of the said State, and the remainder to the person who shall give information of such neglect and prosecute for the same. Penalty on tax collectors for not making returns.

XIV. *And be it further enacted*, That from and after the first day of January next, a tax of one per cent shall be paid upon all dividends arising from stock owned by any citizen of this State, in all Banks not chartered by this State. Tax on Bank stock.

XV. *And be it further enacted*, That it shall be the duty of every tax collector to give public notice of the day when he intends to close his books. Tax collector to give notice.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fifth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY; AND FOR OTHER PURPOSES. No. 2522.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the salaries of the public officers, and for the other expenses and purposes of Government: Appropriations

1. For the salary of the Governor, three thousand five hundred dollars.
2. For the salaries of two Judges of the Court of Appeals, each three thousand dollars.
3. For the salary of one judge of the Court of Appeals, three thousand five hundred dollars.
4. For the salary of one Chancellor, three thousand five hundred dollars.
5. For the salary of one other Chancellor, three thousand dollars.
6. For the salary of one Judge of the Court of Common Pleas, two thousand five hundred and seventy-two dollars.
7. For the salaries of two Circuit Judges, each three thousand five hundred dollars.
8. For the salaries of three Circuit Judges, each two thousand five hundred dollars.
9. For the salary of the State Reporter, one thousand dollars.

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10. For the salary of the Attorney-General, nine hundred dollars.
11. For the salaries of the Circuit Solicitors, each seven hundred dollars.
12. For the salary of the Clerk of the Court of Appeals in Charleston, three hundred dollars.
13. For the salary of the Messenger of the said Court, in Charleston, one hundred and fifty dollars.
14. For the salary of the Clerk of the Court of Appeals in Columbia, three hundred dollars.
15. For the salary of the Messenger of the same Court in Columbia, one hundred and fifty dollars.
16. For the pay of the Members of the Legislature, and of the Solicitors, during the present session, eighteen thousand dollars, if so much be necessary.
17. For the salaries of the Clerks of the Senate and House of Representatives, each one thousand dollars, to be paid at the adjournment of the Legislature.
18. For the salaries of two Messengers and two Doorkeepers, each two hundred dollars, to be paid at the adjournment of the Legislature.
19. For the salary of the Librarian of the Legislature, one hundred dollars.
20. For the pay of the keeper of the State House in Columbia, one hundred and thirty dollars.
21. For the salary of the Comptroller-general, fifteen hundred dollars.
22. For the salary of the clerk of the Comptroller-general, to be appointed by him and removable at his pleasure, seven hundred and fifty dollars.
23. For the salary of the Treasurer of the lower division, and for transacting the business of the loan office, and for clerks, two thousand dollars.
24. For the salary of the Treasurer of the upper division, including clerk's hire, sixteen hundred dollars.
25. For the salary of the President of the South Carolina College, three thousand dollars.
26. For the salaries of the Professor of Metaphysics, Moral Philosophy and the Evidences of Christianity, of the Professor of Mathematics, of the Professor of the Elements of Criticism, Logic and the Philosophy of Languages, and the Professor of Languages, each two thousand dollars.
27. For the assistant Professor of Chemistry, one thousand dollars.
28. For the salary of one Tutor, one thousand dollars.
29. For the salary of the Treasurer and Librarian of the College, four hundred dollars. And the salaries of the President, Professors and Tutor of the College, shall be paid by the treasurer of the upper division, quarterly in advance, their drafts being countersigned by the Treasurer of the College.
30. For the commons and other incidental expenses of one student in the College, from the Orphan House in Charleston, and of one student from the Winyaw Indigo Society, each two hundred and sixty dollars; to be paid to the Cashier of the Branch Bank at Columbia, for the use of such students.
31. For the salary of the Adjutant and Inspector General, fifteen hundred dollars.
32. For the salary of the Arsenal keeper in Charleston, four hundred and fifty dollars.
33. For the salary of the arsenal keeper in Abbeville, two hundred dollars.

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34. For the salary of the arsenal keeper and powder receiver in Beaufort, two hundred dollars.

35. For the pay of the magazine guard, near Charleston, to consist of an officer, a sergeant and twelve privates, three thousand two hundred dollars, to be paid under the direction of the Comptroller-general. The surplus of the last and the present appropriations, to be applied to the necessary repairs and improvements of the buildings and site, under the direction of the commissioners having charge of the magazine; and all disbursements to be paid under the direction of the Comptroller; and the office of Powder Receiver, is hereby abolished, and the duties of that office shall be performed by the Captain of the magazine guard, and the fees and duties collected and applied for the benefit of the establishment, under the direction of the commissioners.

36. For the pay of the Physician of the magazine guard and gaol in Charleston, four hundred and fifty dollars.

37. For the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars.

38. For the payment of pensions and annuities, twenty thousand dollars, if so much be necessary.

39. For the payment of the contingent accounts of the lower division, six thousand eight hundred dollars, if so much be necessary.

40. For the payment of the contingent accounts of the upper division, fifteen thousand dollars, if so much be necessary.

41. For the contingent fund, subject to the draft of the Governor, of the expenditure of which he shall submit an account annually to the Legislature, six thousand dollars.

42. For the rent of the Governor's house in Columbia, four hundred dollars.

43. For the support of free schools, thirty-seven thousand dollars.

44. For the support of the Transient Poor of Charleston, payable to the City Council of Charleston, four thousand five hundred dollars; and the city council shall account to the Legislature for the expenditure thereof.

45. For the support of the transient poor of Georgetown, three hundred dollars; to be expended by the commissioners of the poor of Prince George Winyaw, who shall publish annually, in the nearest Gazette, the names of such transient poor, and the sums paid to each; and return, annually, on oath, to the comptroller-general, an account of their expenditures, to be submitted to the Legislature.

Transient poor
of Georgetown.

46. For the payment of claims, according to the reports of the committees of claims, agreed to, and adopted at the present session, ten thousand dollars, if so much be necessary.

47. For Spencer J. M'Morris, for printing the Acts and Resolutions of the Legislature, the resolutions for the general election, and the Journals of the Senate, one thousand eight hundred dollars: *Provided*, the Acts and Resolutions be printed and deposited in the office of the Secretary of State, in Columbia, on or before the fifteenth day of February, after the regular session of the Legislature, and within four weeks after each extra session; otherwise only twelve hundred dollars.

Acts.

48. For David Sims, for printing the Journals of the House of Representatives, one thousand five hundred dollars.

49. For the salaries of the reading clerks of the Senate and House of Representatives, each one hundred and fifty dollars, to be paid at the end of the session.

A. D. 1830.

50. For the Assessor of St. Philip's and St. Michael's, eight hundred dollars.

51. For the salary of the Pilot of the bar and harbor of Georgetown, three hundred and twenty dollars.

52. For the city council of Charleston, for the execution of the quarantine laws, one thousand dollars.

53. For insuring the buildings of the South Carolina College, five hundred dollars, if so much be necessary.

54. For public buildings, ten thousand dollars, if so much be necessary.

55. For the re-payment of double taxes, ordered to be refunded by both branches of the Legislature, seven hundred dollars; if so much be necessary.

56. For payment of arrears of free school fund, to the parish of Prince William's, one hundred and twenty dollars.

Appropriation
for printing
road laws.

57. *And be it enacted*, That the sum of one hundred dollars be, and is hereby, appropriated for the printing of two hundred copies of the road laws, as condensed in the year eighteen hundred and twenty-five, together with the subsequent Acts on the same subject; and that a copy of the said laws be furnished to each board of commissioners of roads in the State.

58. *And be it further enacted* by the authority aforesaid, That the Comptroller-general be, and he is authorized and directed, to cancel the bond of Robert Davidson, late tax collector of York, whenever satisfactory evidence shall be exhibited to him that the said Robert Davidson has complied with all the requisitions of the law; and that said Comptroller-general be, and he is hereby, authorized and directed to cancel the bond of Stephen Lacoste, late tax collector of Salem county, whenever satisfactory evidence shall be exhibited to him that the said Stephen Lacoste has complied with all the requisitions of the law.

Proceedings
against Lewis
O'Bannon to
be stayed.

59. *Be it further enacted* by the authority aforesaid, That all further proceedings, on a judgment obtained by the treasurers against Lewis O'Bannon, as the security of William Scarborough, on a bond for the purchase money of a tract of land, be stayed, as against the said Lewis O'Bannon, and that the treasurer of the lower division be, and he is hereby, authorized and directed to release and discharge the said Lewis O'Bannon from all liability for, and on account of the said bond and judgment, on his paying all the costs of the said suit.

Comptroller
must settle
accounts.

60. *Be it further enacted* by the authority aforesaid, That the Comptroller-general be authorized and directed to settle and adjust the accounts of John Walker, late sheriff of Barnwell district, in relation to sundry tax executions, for the amount of which judgment has been obtained against him, upon equitable principles, and that the said John Walker be allowed all proper credits accordingly; and that the said Comptroller-general be, and he is hereby authorized and directed, in like manner, to settle with Robert G. Norton, late sheriff of Beaufort district, and adjust his accounts concerning sundry tax executions, for the amount of which judgment has been recovered against him, upon equitable principles, and that the said Robert G. Norton, obtain all just and proper credits accordingly.

Appropriation
for Jurors and
Constables.

61. *Be it further enacted* by the authority aforesaid, That the sum of two hundred dollars, if so much be necessary, be, and the same is hereby, appropriated to pay the Jurors and Constables who attended the Court of Common Pleas and Sessions at fall term, 1830, for Horry district, to be drawn for and disbursed by the clerk of the said court.

Appropriation
for K. David-
son.

62. *Be it further enacted*, That the Comptroller-general be, and he is hereby, authorized and directed to refund to Robert Davidson, late tax

collector of York district, the amount exacted from him, of five per cent. per month upon a certain balance in his hands; and that the sum of two hundred and eighty-one dollars and thirty-two cents, be appropriated for that purpose.

A. D. 1830.

63. *Be it further enacted* by the authority aforesaid, That the Comptroller-general be, and he is hereby, authorized and directed to issue in favor of Henry Deas, President of the South Carolina Association, a new script, for the amount of one hundred dollars, of the five per cent. stock of 1824, in lieu of No. 35 of the said stock, formerly issued in the name of Thomas Bailey, Treasurer of the Edisto Association, whenever the said Comptroller-general shall be satisfied that the legal notice has been given, and other requisitions of law complied with.

Script to be issued in favor of H. Deas.

64. To D. W. Sims, for printing done for the Court of Appeals, twenty-nine dollars.

65. For William Salters, two hundred and fifty-one dollars and twenty-eight cents, being the amount directed to be refunded to him by a report concurred in by both branches of the Legislature at the last session.

66. For the repairs of the arsenal in Beaufort, four hundred dollars; and Thomas Talbird, Wm. Barnwell and Henry M. Sewart, are hereby appointed commissioners to draw for and apply the same, and report their proceedings to the Legislature at their next session.

67. To the legal representatives of the Hon. Abraham Nott, deceased, eight hundred and seventy-five dollars, being the amount of one quarter's salary, commenced and not expired at the time of his death.

68. *And be it further enacted*, That the clerks of the court of appeals of Charleston and Columbia, be, and they are hereby, authorized to draw their salaries quarterly, at the end of each quarter; the clerk at Columbia, from the treasurer of the upper division, and the clerk at Charleston, from the treasury of the lower division, and that the sum of six hundred dollars be appropriated for that purpose.

Appropriation for the Clerks of the Appeal Court.

69. For Thomas B. Reid and Samuel Reid, for re-building Pickens gaol, two thousand four hundred and sixteen dollars.

70. For Lawrence & Robinson, for the repairs on Beaufort court-house, thirty-three dollars.

71. For building a new gaol for Kershaw district, seven thousand dollars.

72. For the repairs of the State House and its appurtenances, five thousand dollars, if so much be necessary.

73. For James Johnston, for repairing artillery limbers, &c., thirty-six dollars sixty-two and a half cents.

For the present Superintendent of public works, the sum of two hundred and fifty-three dollars and fifteen cents, being the balance of salary due to him up to the expiration of his term of office, on the first day of February next.

For procuring a flat and altering the road to Elliott's cut, the sum of one hundred and fifty dollars, if so much be necessary.

For the Superintendent of Public Works, one thousand five hundred dollars, for the ensuing year.

And be it enacted, That the sum of twenty-three thousand four hundred and sixty-one dollars and twenty-five cents, be, and the same is hereby, appropriated to be paid to B. J. Earl, Esq. for the purpose of settling with the heirs at law of Isaac Fair, deceased, the amount due them respectively, for their interest in the town of Hamburg.

Appropriation for the heirs at law of Isaac Fair.

And be it further enacted, That the sum of two thousand dollars be, and the same is hereby, appropriated to be placed at the disposal of Thos. Harrison, Waddy Thompson, jr. and Henry Shultz, to be applied to the

Appropriation for Hamburg.

A. D. 1830

repairs and insurance of public property in the town of Hamburg, to the opening of streets and roads, and such other purposes connected with the said town, as they may deem expedient.

For George Briston, sheriff of Marlborough district, one hundred and seventeen dollars and eighty-eight cents, for an account against the State, as sheriff, the same being omitted by the committee on accounts in their general report.

For the Medical College of Charleston, to be paid to the order of the Faculty of said College, by the treasurer of the lower division; seven thousand dollars.

For John Goodwin, sheriff of Kershaw district, forty-eight dollars and fifty cents, agreeable to a report as concurred in by both Houses.

Appropriation
to Duncan
McNabb.

Be it further enacted by the authority aforesaid, That the sum of two dollars be, and the same is hereby, appropriated to be paid to Duncan M'Nabb, for a lost jury ticket.

Bonds cancell-
ed.

And be it further enacted by the authority aforesaid, That the bonds of Nathan Berry, late tax collector of Greenville district, and of Anderson Pyles, late escheator for Laurens district, be, and the same are hereby, cancelled.

Ann V. Mat-
thews released
from interest.

And be it further enacted by the authority aforesaid, That Ann V. Matthews be relieved from the payment of the balance of interest due upon the bond of her husband, Moses Matthews, late sheriff of Williamsburgh district.

Interest to be
refunded to W.
W. Williams.

Be it further enacted by the authority aforesaid, That the Comptroller-general be authorized to pay to Wm. W. Williams, late tax collector of Barnwell district, such sums as he may find to be justly due him on account of interest paid by him through mistake.

To J. H. Meys, executor of Florian Charles Meys, deceased, one hundred and twelve dollars.

To the Surveyor General, for a copy plat of the Catawba Indian Lands, furnished to the judiciary committee, by order of the House, fifteen dollars.

Cash refunded

And be it further enacted, That the Comptroller-general be, and he is hereby, authorized to pay to E. W. & A. S. Johnston, forty one dollars and twenty-five cents, being the amount paid by them by mistake; and also to refund to Chapman Levy, fifteen dollars, being the one half of a double tax.

Appropriation
for Commis-
sioners of free
schools.

And be it further enacted by the authority aforesaid, That the sum of nine hundred dollars be appropriated for the payment of Commissioners of free schools for Darlington district, for the year 1828, and that said Commissioners be authorized to draw for the same on the treasurer of the upper division.

Appropriation
for a guard to
State House.

And be it further enacted, That eight hundred dollars be, and is hereby, appropriated for the Intendant and Wardens of the town of Columbia, for the support of such a Guard for the State House, in Columbia, as will afford four centinels from sundown to sunrise, through the year.

For the construction of granite locks at Graves's Shoals, ten thousand dollars.

Appropriation
to John Peay.

And be it further enacted by the authority aforesaid, That the sum of two hundred and twelve dollars be, and the same is hereby, appropriated and ordered to be paid unto John Peay, for damages sustained by him, in consequence of a road passing through his lands.

Appropriation
for keeper of
magazine in
Georgetown.

And be it further enacted, That one hundred and fifty dollars be, and the same is hereby, appropriated for the salary of a keeper of the Magazine in Georgetown, to be drawn by the Town Council.

For Henry P. Taylor, Secretary of State, two hundred and seventy-nine dollars and ninety cents. A.D. 1831.

In the Senate House, the eighteenth day of December, in the year of our Lord one thousand eight hundred and thirty, and in the fifty-fifth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

AN ACT to authorize the formation of a Mounted Corps in Charleston. No. 2523.
(Passed December 17, 1831. *See last volume.*)

AN ACT TO ALTER THE LAW IN RELATION TO THE PLACE OF HOLDING No. 2524.
SHERIFF SALES FOR THE JUDICIAL DISTRICT OF GEORGETOWN.

I. *Be it enacted* by the honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the law establishing the market in the town of Georgetown, as the place for holding sheriff sales for the judicial district of Georgetown, be repealed, and that the sheriff for the aforesaid district be required to hold his sales before the court-house door in the town of Georgetown.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

AN ACT to define the recruiting limits of the Fairfield Grenadier No. 2525.
Company.

(Passed December 17, 1831. *See last volume.*)

AN ACT to alter the times for holding the Courts of Law on the Eastern No. 2526.
Circuit; and for other purposes.

(Passed December 17, 1831. *See last volume.*)

A. D. 1831.

No. 2527. AN ACT TO VEST IN THE ILLEGITIMATE CHILDREN OF JOHN WILLIAMS
THE RIGHT OF THE STATE TO HIS REAL ESTATE.

John Wil-
liams's illegiti-
mate children,
Act in favor of.

I. *Be it enacted*, by the Senate and House of Representatives, That all the right, title and interest, which the State may have acquired in the plantation or tract of land, whereon John Williams, deceased, lately resided, situated on Poke Swamp, in St. George's parish, by the death of the said John Williams, who is said to have died intestate and without heirs, be, and the same is hereby, vested in Ann Smith, otherwise called Ann Williams, and Edward Smith, otherwise called Edward Williams, their heirs and assigns, as tenants in common; *provided*, that nothing herein contained shall be construed to effect the rights of any other person or persons.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2528. AN ACT concerning free persons of color, and slaves; and for other purposes.

(Passed December 17, 1831. *See last volume.*)

No. 2529. AN ACT to lay off and establish a new Beat Company in the seventh Regiment of South Carolina Militia.

(Passed December 17, 1831. *See last volume.*)

No. 2530. AN ACT CONCERNING CERTAIN ESCHEATED ESTATES.

Avinger's
estate disposed
of.

I. *Be it enacted* by the Senate and House of Representatives, That all the right, title and interest, which the State may have in the property and estate of Mary Avinger, widow of Gutlip Avinger, late of St. Matthew's parish, deceased, and who died without heirs, as it is said, be vested in the heirs at law of the said Gutlip Avinger, to be partitioned among them, according to the provisions of the statute of distributions.

Right of the
State vested in
T. G. Ward.

II. *And be it further enacted*, That all the right, title and interest which the State may have in the property and estate of George W. Ward, late of York district, deceased, and who died without heirs, as it is said, be vested in Thomas G. Ward, of the same district.

III. *And be it further enacted*, That all the right, title and interest, which the State may have in a certain tract of land, situate, lying and being in Chester district, containing one hundred acres, more or less, conveyed on the first day of May, one thousand eight hundred and thirteen, by Samuel Furguson, to the Rev. John Riley, an alien, who lately departed this life without heirs, as it is said, be vested in Jane Riley, widow of the said John Riley, her heirs and assigns forever. A. D. 1831.
Do. in favor of
Jane Riley.

IV. *Be it further enacted*, That all the right, title and interest, which the State may have in the personal estate of William Neely, late of Barnwell district, be, and the same is hereby, vested in William C. Neely, in trust for the only proper use of John Walker Neely, and his heirs, forever, upon the condition that the said William C. Neely give bond to the Commissioner in Equity for Barnwell district, with sufficient security, for the faithful execution of the said trust. Do. in favor of
Wm. C. Neely.

V. *And be it further enacted*, That all the right and title which the State may have in the estate of Joseph Purcell, deceased, be vested in Ann Purcell, his widow; *provided*, that nothing herein contained shall be construed to defeat or in any wise affect the right of any person or persons to the property or estate above mentioned, or any part thereof. Do. in favor of
Ann Purcell.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

AN ACT to revive the Charter of the Winyaw and Wando Canal Company. No. 2531.

(Passed December 17, 1831. *See last volume.*)

AN ACT to establish certain Roads, Bridges and Ferries. No. 2532.

(Passed December 17, 1831. *See last volume.*)

AN ACT TO EXTEND THE JURISDICTION OF MAGISTRATES IN CASE OF ATTACHMENT. No. 2533.

I. *Be it enacted* by the Senate and House of Representatives, That it shall be lawful for any justice of the peace, upon complaint to him made upon oath by any person, that his debtor is absent from and out of the limits of this State, in all cases where the debt or demand does not exceed twenty dollars, to grant an attachment against the goods and chattels of such debtor, or so much thereof as shall be of value sufficient to satisfy When attachments may be granted.

A. D. 1831.

the debt and costs of such plaintiff—taking bond and security in the manner prescribed by law in other cases where justices are allowed to issue attachments—which said attachment shall be directed to some constable of the district or parish in which the said justice resides, and returnable before himself or some other justice of the peace thereof, who shall and may proceed and determine finally thereupon.

Levies may be replevied, &c. II. *And be it further enacted* by the authority aforesaid, That the goods and chattels, levied on under such attachment, may be replevied, and proceedings had against garnishees, as in other cases of attachment where magistrates have jurisdiction by law.

Copy of proceedings to be filed. III. *And be it further enacted*, That a true copy of the proceedings of the justice, certified by him, shall be filed of record in the office of the clerk of the court of the district in which he resides.

Defendant may enter appearance, &c. IV. *And be it further enacted*, That if the defendant shall appear within two years, he shall be at liberty to enter an appearance before the justice who issued the attachment, or before any other justice of the peace of the same district, who shall cause notice to be served on the plaintiff or his security, and shall determine upon the case as to justice shall appertain; and either party shall have the same right of appeal from the judgment of the justice as in other cases; *provided*, that if any person intending to leave the State, shall, for ten days previous to his departure, give notice of his intention, by a written notice put up at the court house of the district, and at the muster ground of the beat in which he resides, he shall not be liable to be proceeded against in his absence, under this Act.

In the Senate House, this seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Independence of the United States of America

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2534. AN ACT to incorporate the Medical College of South Carolina.

(Passed December 17, 1831. See last volume.)

No. 2535. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE POOR TO BIND TO SERVICE ILLEGITIMATE CHILDREN."

Pauper children, how bound. I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the aforesaid Act be so amended that a female child shall be bound to service, according to the provisions of said Act, until she attains the age of eighteen years, or marries, and a male child until he attains the age of twenty-one years.

Powers and duties of Commissioners, &c. II. *And be it further enacted*, That upon information, as provided, it shall be lawful for any one of the Commissioners of Poor to issue his warrant, directed to any sheriff or constable, commanding him to bring any such

child before the Board at the first meeting thereafter; and the said officers are hereby required to execute such warrant, and shall receive therefor the same compensation as for other arrests, to be defrayed by the Board of Commissioners aforesaid.

A. D. 1831.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

AN ACT to establish and incorporate a Bank in the Town of Columbia. No. 2536.

(Passed December 17, 1831. *See last volume.*)

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CONCERNING HAWKERS AND PEDLERS." No. 2537.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of January next, every hawker and pedler shall pay for his license the sum of one hundred dollars, besides the compensation to the clerk.

II. *And be it further enacted*, That before a license shall be granted to any hawker or pedler, the clerk shall take from the said hawker or pedlar a recognizance in the penalty of one thousand dollars for himself, and five hundred dollars for each of two approved surities, free holders of this State, conditioned that the said hawker or pedler, during the time for which license may be granted to him, shall be of good behavior, and especially refrain from all violations of the laws of this State against trading with negroes—against seditious or inflammatory publications or conduct—against gaming—and against the retailing of spirituous liquors without licence. And the said recognizance, upon allegation of breach of the condition, shall be proceeded upon by *scire facias*, as in other cases, and proof of the breach having been made, forfeiture, at the discretion of the court, shall be adjudged.

Granting
license.

III. *And be it further enacted*, That every hawker and pedler, upon the demand of any justice of the peace or quorum, shall be bound to produce and exhibit for inspection his license, and in default thereof it shall be lawful for the said justice to issue his warrant requiring the detention of the goods, wares and merchandize in the possession of the said hawker or pedler, together with the carriage used for the transportation thereof, if there be one; and for any sheriff, constable, or other person thereunto specially authorized by the said justice, by virtue of the said warrant, to seize and detain the said goods, wares, merchandize, and carriage, until a release shall be directed by some justice, upon payment to him of fees and expenses of seizure and detention, and the production to him of a licence granted to the said hawker or pedler, prior to the warrant

Shall exhibit
his license.

A. D. 1831.

aforesaid, or of a recognizance entered into by the said hawkers or pedler, to answer an indictment for violating the Act concerning hawkers and pedlers, or of a receipt from the gaoler of the district of the body of the said hawkers or pedler committed to gaol under a warrant against him for violating the said Act. And if no such release shall be obtained within ten days from the seizure aforesaid, by the production of either the said licence, recognizance, or receipt, and payment of fees and expenses as aforesaid, it shall be lawful for any justice of the peace or quorum of the district, to order a sale of the articles seized; and by virtue of the said order, the sheriff or any constable of the district, after ten days notice, shall proceed to sell the said articles, or so much thereof as will cover the amount of five hundred dollars, and all expenses; and after raising the said amount, (if so much there be,) the remainder of the articles seized, or of the proceeds of sale, shall be delivered or paid to the said hawkers or pedler; and all expenses of sale and fees being satisfied, five hundred dollars (if so much there be,) shall be paid into the hands of the clerk of the district, to be applied in the same manner as the sums paid for licences to hawkers and pedlers are by law required to be,

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2538. AN ACT to vest in the proprietors of any Bridge which may be destroyed by freshets or otherwise, a right of ferry during the time the Bridge is re-building.

(Passed December 17, 1831. *See last volume.*)

No. 2539. AN ACT to incorporate certain Societies; and for other purposes.

(Passed December 17, 1831. *See last volume.*)

No. 2540.

AN ACT TO INCORPORATE THE VILLAGE OF GREENVILLE.

Greenville
incorporated.

I. *Be it enacted*, by the Senate and House of Representatives, That all persons, citizens of the United States, who now own, or may hereafter own, dwelling houses in the village of Greenville, or those who may occupy such dwelling houses under lease, shall be deemed, and are hereby declared, a body politic and corporate, and that the said village shall be called and known by the name of GREENVILLE, and its limits shall

be held and deemed to extend for one mile, in every direction, from the court house situated therein. A.D. 1831.

II. *And be it further enacted*, That the said village shall be governed by an intendant and four wardens, who shall be appointed in the first instance by the delegation of Greenville district, and shall continue in office until the second Monday in September next, on which day, as well as on the second Monday in September of every year thereafter, an election shall be held for an intendant and four wardens, (who shall always be freeholders within the limits of the said village,) at such place as the intendant and wardens shall designate, ten days notice being previously given; and that all free white male inhabitants of the said village, who have attained the age of twenty-one years, and have resided therein three months previous to the election, shall be entitled to vote for the said intendant and wardens—the election to be held from nine o'clock in the morning until three o'clock in the afternoon; and when the poll shall be closed, the managers shall proclaim the election, and give notice thereof in writing, to the persons elected; and that the intendant and wardens for the time being shall always appoint three managers to hold the ensuing elections; that the intendant and wardens, before entering upon the duties of their offices, shall take the oath prescribed by the constitution of this State, and also the following oath, to wit: "As Intendant, or Warden, of Greenville, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes of my appointment. So help me God."

To be governed
by an intendant
and four wardens.

III. *And be it further enacted*, That in case a vacancy shall occur in the office of intendant or any of the wardens, by death, resignation, removal from office, or absence from the State, an election shall be held by the appointment of the intendant and wardens, or wardens, as the case may be, ten days previous notice being given; and in case of the sickness or temporary absence of the intendant, the wardens forming a council shall be empowered to elect one of themselves to act as intendant during the time.

Vacancies how
to be filled.

IV. *And be it further enacted*, That the intendant and wardens duly elected and qualified, shall, during their term of service, severally and respectively, be vested with all the powers of justices of the quorum of this State, within the limits of the said village; that the intendant shall, as often as occasion may require, summon the wardens to meet him in council, a majority of whom shall constitute a quorum for the transaction of business, and shall be known by the name of the Town Council of Greenville; and they, and their successors in office, shall have a common seal; and shall have power and authority to appoint from time to time such and so many proper persons to act as constables, as they shall deem expedient and proper; which constables shall have all the powers, privileges and emoluments, and be subject to all the duties, penalties and regulations, provided by the laws of this State for the office of constable; and the intendant and wardens in council shall have power, under their corporate seal, to ordain and establish all such rules, by-laws and ordinances respecting the streets, ways, markets and police of said village, as shall appear to them proper, for the security, welfare, and convenience of said village, and for preserving health, peace, order and good government within the same; and the said council may affix fines, for offences against such by-laws and ordinances, and appropriate the same to the use of the corporation; but no fine shall exceed fifty dollars; and when fines shall exceed ten dollars, they may be recovered in the court of sessions for Greenville district, and when they

Powers and
duties of the
corporation.

May affix fines
which shall not
exceed \$50.

A. D. 1831.

are of the amount of ten dollars or under, they may be recovered before the intendant and wardens; *provided*, that nothing herein contained shall empower the said council to ordain or establish any by-laws or ordinances inconsistent with or repugnant to the laws of this State; and all such by-laws and ordinances shall at all times be subject to the revisal or repeal of the Legislature.

Nuisances to be abated and patrol duty performed.

V. *And be it further enacted*, That the said intendant and wardens shall have power to abate and remove nuisances within the said limits, and to classify and arrange the inhabitants liable to do patrol duty, and to require them to perform such duty, as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now, or may be hereafter, established by law; and that the said intendant and wardens, or any one of them, upon view thereof, or upon complaint lodged on oath, are hereby required and authorized to issue warrants against all offenders, and cause them to be brought before them or him, and upon due examination, shall either release, admit to bail, if the offence be bailable, or commit to gaol such offenders, as the case may require; and the sheriff of Greenville district is hereby required to receive and keep the persons so committed, until discharged by due course of law; and that the said intendant and wardens shall, collectively and severally, have cognizance within the said corporate limits in all criminal cases, as justices of the peace and quorum have according to law.

To have the powers of commissioners of roads.

VI. *And be it further enacted*, That it shall be the duty of the said intendant and wardens to keep all roads, streets and alleys within the said limits, open and in good repair; and for that purpose they are invested with all the powers granted by law to the commissioners of roads, and for neglect of duty they shall be liable to the penalties imposed by law on commissioners of roads for like neglect.

Shall have power to compound with persons liable to work on roads.

VII. *And be it further enacted*, That the said intendant and wardens shall have power to compound with persons liable to work on the said roads, streets and alleys, to release such persons as may desire it, upon the payment of such sum of money as they may deem a fair equivalent therefor; to be applied by them to the use of the said corporation; and no persons residing within said limits shall be liable to work on any road without said limits, or be taxed or assessed for the same.

How long it shall remain in force.

VIII. *And be it further enacted*, That this Act shall be taken and deemed as a public Act in all courts of justice, and shall continue in force for four years, and until the end of the next session of the Legislature thereafter.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2541. AN ACT to enable Officers of the Militia to reside, in certain cases, out of their commands.

(Passed December 17, 1831. See last volume.)

A. D. 1831.

AN ACT CONCERNING THE LUNATIC ASYLUM.

No. 2542.

I. *Be it enacted*, by the Senate and House of Representatives, That the commissioners of the poor, in each and every district, and all persons and bodies corporate having charge of pauper idiots, lunatics and epileptics, resident in the several districts and parishes, shall be, and they are hereby, required to send them to the Lunatic Asylum, and to support there such idiot, lunatic, or epileptic, at the expense of the city, town, parish or district chargeable with the support of such paupers; and for the support of each pauper lunatic, idiot, or epileptic now in the Asylum, or hereafter to be so sent, there shall be paid to the Regents of the Asylum the sum of one hundred dollars per annum, in lieu of the sum heretofore payable.

Pauper lunatics to be sent to Asylum.

II. *And be it further enacted*, That transient pauper lunatics, idiots or epileptics, sent to the Asylum by virtue of the existing laws, shall be supported at the public expense; and the Regents are hereby authorized to draw from the treasury, for the support of every such transient pauper lunatic, idiot or epileptic, at the rate of one hundred dollars per annum, until the Regents shall have ascertained his or her former permanent domicile, when the district to which he or she may belong shall be charged with such support: *Provided nevertheless*, that the commissioners of the poor of the district so adjudged by the Regents to be chargeable, be, and they are hereby, authorized to appeal from such decision to the next court of sessions to be held for the said district, by which court the liability of the district for the support of such pauper shall be tried; and the solicitor of the circuit is hereby required, upon such appeal, to defend the interests of the State; *provided*, that the treasury in no instance shall be liable to pay for the maintenance of paupers other than such as are citizens of the State.

Transient paupers, &c., to be supported at the public expense.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE HONORABLE JUDGE HARPER TO BE No. 2543.
ABSENT FROM THE STATE FOR A LIMITED TIME.

I. *Be it enacted* by the Senate and House of Representatives, That the Honorable William Harper, one of the judges of the court of appeals, have leave to be absent from the State until the first day of June next.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

A. D. 1831.

No. 2544. AN ACT TO EXTEND THE PRISON BOUNDS FOR THE JUDICIAL DISTRICT OF GEORGETOWN.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the law establishing the prison bounds for the judicial district of Georgetown, be so altered and amended as to extend the aforesaid prison bounds to the corporate limits of the town of Georgetown.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2545. AN ACT TO EXEMPT THE MEMBERS OF THE VIGILANT, PHOENIX, ÆTNA AND CHARLESTON FIRE ENGINE COMPANIES OF CHARLESTON, FROM JURY DUTY.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the members of the Vigilant, Phoenix, Ætna and Charleston Fire Engine Companies of Charleston, shall be, and they are hereby, declared to be exempted from the duty of serving as grand or petit jurors in and for the district or city of Charleston.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2546. AN ACT TO REGULATE THE PRACTICE OF THE COURTS OF LAW IN CERTAIN CASES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in all actions of debt on bond, the defendant shall be at liberty, under the plea of the general issue, to offer in evidence any matter tending to shew that the bond was void in its creation; *provided*, that twelve days notice be given to the opposite party, of the nature of the defence intended to be relied on.

II. *Be it further enacted* by the authority aforesaid, That nothing in this Act contained shall be construed to restrict or in any wise impair any right which a defendant may now have under such plea, according to the laws and usages of this State. A. D. 1831.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

AN ACT CONCERNING THE COMPENSATION OF JURORS AND CONSTABLES. No. 2547.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in every case where the Judge who should have presided, shall be absent from any court, it shall be the duty of the Clerk and Sheriff of the district, upon the adjournment of the same, to give to each Juror and Constable, a certificate specifying, in addition to what is now required by law, where a judge presides, that the judge who should have presided was absent; and such certificate shall have the same effect, and be paid in the same manner as is now prescribed by law, where such certificates have been countersigned by a presiding judge.

In the Senate House, this seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

AN ACT TO SUSPEND THE ELECTION OF MEMBERS TO CONGRESS FROM THIS STATE. No. 2548.

I. *Be it enacted* by the Senate and House of Representatives, That so much of an Act entitled "An Act prescribing, on the part of this State, the time, places and manner of holding elections for Representatives in the Congress of the United States," as directs elections of members of the House of Representatives of the United States, from this State, to be held at the same time as the elections of members of the State Legislature, be, and the same is hereby, suspended; and the managers of elections, at the next general election in this State, are directed not to open polls for the election of Representatives in Congress.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

A D. 1831.

No. 2549. AN ACT concerning the Bank of the State of South Carolina.
(Passed December 17, 1831. See last volume.)

No. 2550. AN ACT TO INCORPORATE THE VILLAGE OF SPARTANBURGH.

Spartanburgh incorporated. I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, that all persons, citizens of the United States, now owning dwelling houses in the village of Spartanburgh, or those that may hereafter own dwelling houses therein, or occupy, under lease, a dwelling house, shall be deemed, and are hereby declared to be, a body politic and corporate; and that the said village shall be called and known by the name of SPARTANBURGH, and be deemed corporate.

Village shall be governed by Intendant and four Wardens. II. *And be it further enacted* by the authority aforesaid, That the said village shall be governed by an Intendant and four Wardens, who shall be appointed in the first place by the delegation of Spartanburgh district, and shall continue in office until the first Monday in September next, on which day, as well as on the first Monday in September in every year thereafter, an election shall be held for an Intendant and four Wardens, (who shall always be freeholders within the limits of the incorporation hereinafter to be described,) at such place as the Intendant and Wardens shall designate, ten days notice being previously given: And that all free male white inhabitants of the age of twenty-one years, who shall have been resident within the limits of the incorporation three months previous to the election, shall be entitled to ballot for the said Intendant and Wardens; the election to be held from nine o'clock in the morning until two o'clock in the afternoon; and when the polls shall be closed, the managers shall proclaim the said election, and give notice, in writing, to the persons elected; and that the Intendant and Wardens of said village for the time being shall always appoint the managers, three in number, for the ensuing elections: That the Intendant and Wardens, before entering upon the duties of their offices, shall take the oath prescribed by the Constitution of this State, and also the following oath, viz: "As Intendant, or Warden, of Spartanburgh, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes for which I have been appointed. So help me God."

Right of ballot.

Oath of office.

Vacancy in the office of Intendant and Wardens, how supplied. III. *And be it further enacted* by the authority aforesaid, That in case a vacancy should occur in the office of Intendant or any of the Wardens, by death, resignation, removal from office, or absence from the State, an election to fill such vacancy shall be held, by the appointment of the Intendant and Wardens, or the Wardens, as the case may be, ten days previous notice being given; and in case of the sickness or temporary absence of the Intendant, the Wardens forming a council shall be empowered to elect one of the Wardens to act in his room during the time.

IV. *And be it further enacted* by the authority aforesaid, That the Intendant and Wardens duly elected and qualified, shall, during their

term of service, severally and respectively, be vested with all the powers of justices of the quorum of this State, within the limits of the said village, which shall extend one mile in every direction from where the court-house now stands: But the Intendant shall and may, (as often as occasion may require,) summon the Wardens to meet in council, any two of whom, with the Intendant, may constitute a quorum to do business; and they shall be known by the name of "the Town Council of Spartanburgh;" and they, and their successors hereafter to be elected, may have a common seal; and they shall have power and authority to constitute and appoint, from time to time, such and so many proper persons to act as constables, within their jurisdiction, according to law, as they shall find expedient and proper; which constables shall have all the powers and privileges, and be subject to all the duties and regulations, appointed by the laws of this State for the said office of constable; and the Intendant and Wardens shall have full power, under their corporate seal, to make and establish all such rules, by-laws and ordinances, respecting the streets, ways, markets, and police of the said village, as shall appear to them necessary and requisite for the security, welfare and convenience of the said village, or for preserving health, peace, order and good government within the same; and the said council may fix fines for offences against their by-laws, and appropriate the same to the public uses of the said corporation: but no fine shall exceed twenty-five dollars for any one offence; which fines, when they exceed ten dollars, may be recovered in the court of common pleas for Spartanburgh district, and when under the sum of ten dollars, before the Intendant and Wardens, or any two of them: *Provided*, that nothing herein contained shall authorize the said council to make any by-laws inconsistent with or repugnant to the laws of the land; and that all the by-laws and ordinances they may make shall at all times be subject to the revisal or repeal of the Legislature.

A.D. 1831.

To have powers of justices of quorum.

Powers of constables, Intendant and Wardens.

V. *And be it further enacted* by the authority aforesaid, That the said Intendant and Wardens shall have full power to abate and remove nuisances in said limits, and to classify and arrange the inhabitants liable to do patrol duty, and to require them to perform such duty as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now established by law; and that the said Intendant and Wardens, or any one of them, upon view thereof, or complaint lodged, are hereby required to issue warrants against all offenders, and cause them to be brought before them, and upon due examination, shall either release, admit to bail, (if the offence be bailable,) or commit to jail, such offenders, as the case may require; and the sheriff is hereby enjoined to receive and keep the persons so committed, until discharged by due course of law; and that the said Intendant and Wardens may, collectively or severally, take recognizance in cases for all offences committed within said limits, upon the terms and in the manner as justices of the peace and quorum are required to do by law.

Powers and duties further defined.

VI. *And be it further enacted* by the authority aforesaid, That the said Intendant and Wardens shall have the full and only power of granting licences for billiard tables, to keep taverns, or retail spirituous liquors, within the said limits; which licences shall be granted in the same manner and upon the same conditions as they are now granted by commissioners of roads, under the laws of this State; and all the powers vested in commissioners of roads are hereby granted to the said Intendant and Wardens within the said limits; and that all monies paid for licences, fines and forfeitures, for retailing spirituous liquors, keeping taverns and billiard

Power to grant licences.

A. D. 1831.

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Intendant and Wardens may compound with persons liable to road duty.

Who shall be exempt from road duty.

Time this Act shall remain in force.

tables, within the said limits, shall be paid to the commissioners of roads, as heretofore directed by law.

VII. *And be it further enacted* by the authority aforesaid, That the said Intendant and Wardens shall have full power and authority to compound with persons liable to work on the roads in said limits, and to release such persons as may desire to be released therefrom, upon the payment of such annual sums to the said Intendant and Wardens as may be deemed by them a fair equivalent therefor, to be applied by them to the services and uses of said corporation; and that no person residing within said limits three months in the year shall be liable to work on any roads without the said limits, or be taxed or assessed for the same.

VIII. *Be it further enacted* by the authority aforesaid, That this Act shall remain in force four years, and until the next session of the Legislature thereafter.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty one, and in the fifty-sixth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

**No. 2551. AN ACT TO AMEND THE ACTS REGULATING ELECTIONS OF MEMBERS OF THE LEGISLATURE AND OTHERS; AND FOR OTHER PURPOSES THEREIN MENTIONED.**

Powers of Managers of elections.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the managers of elections for members of Congress, of the Legislature, sheriffs, clerks, and all other district officers, and also for Intendant and Wardens of the city of Charleston, and also the officers of all incorporated towns in this State, shall have authority to administer oaths and examine witnesses in all matters concerning the duties of their appointment, and to maintain regularity and order at their respective polls; and if any person shall refuse to obey the lawful commands of the managers while in the execution of their duties, or by disorderly conduct in their presence or hearing, shall disturb their proceedings, they may, by an order in writing, commit the person so offending to the common gaol of the district, during the day of election on which such disturbance is committed; and such order shall be executed by the sheriff or any constable to whom the same shall be delivered; or if none be present, by any other person deputed by the managers in writing; and the sheriff, constable or other person executing such order, shall be entitled to the same fees as for other arrests, to be defrayed by the party so offending, before his discharge, unless he shall make oath of his inability to pay the same.

Place of residence as well as name of voter to be set down.

II. *And be it further enacted*, That it shall be the duty of the managers, in holding an election in the parishes of St. Philip's and St. Michael's, to set down in writing the particular place of residence, as well as the name, of every voter, and also to designate that the oath was taken, in case such voter was sworn to his qualification.

III. *And be it further enacted*, That if any person offering to vote shall be challenged as unqualified, by a manager, or by any other person

entitled to vote, the managers shall declare to the person so challenged, the qualifications of a voter, and if he shall state himself to be duly qualified, and the challenge shall not be withdrawn, the managers, except for the election of intendant and wardens of the city of Charleston, and also of the officers of all incorporated town or villages within this State, shall then tender to him the following oath, if he be a person claiming to be qualified by residence: "You do swear, or affirm, that you are a citizen of this State, of the age of twenty-one years, and have resided therein two years previous to this election; that you are now a resident of this district, or parish, and have been a resident therein for the last six months; that you are not a pauper, soldier or non-commissioned officer of the army of the United States; and that you have not voted at this election." If the person offering to vote does not claim to be qualified by residence, the managers shall tender to him the following oath: "You do swear that you are a citizen of this State, of the age of twenty-one years, and have resided therein two years previous to this election; that you have a freehold of fifty acres of land, or a town lot, in this district or parish, and that you have been legally seized and possessed of the same for the last six months; that you are not a pauper, non-commissioned officer or soldier of the army of the United States; and that you have not voted at this election."

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Oath to be tendered.

IV. And if any person shall refuse to take the oath so tendered, or if the managers shall otherwise be satisfied that he is not qualified, his vote shall be rejected.

V. *And be it further enacted*, That in all indictments for perjury or subornation of perjury, an oath taken before the managers of any election ordered by law, or by joint resolution of both branches of the Legislature, in the due execution of their duties, shall be equivalent to an oath taken in a judicial proceeding; and any person convicted of perjury or subornation of perjury, assigned in taking, or in procuring any person to take, a false oath before the managers of elections, shall suffer the pains and penalties prescribed by law for such offences.

Perjury and its penalty.

VI. *And be it further enacted*, That the elections for a member of Congress, or members of the Legislature, sheriffs, clerks, and all other district officers to be elected by the people within the parishes of St. Philip's and St. Michael's, shall in future be held at five different places, one of which shall be in each of the four wards of the city of Charleston, and the fifth on Charleston Neck; and the residents in the same shall be authorized and required to vote in that ward, or on the neck, in which they respectively reside, and no where else within the said parishes.

Elections for St. Philip's and St. Michael's, to be held at five different places.

VII. *And be it further enacted*, That the managers of election for St. Philip's and St. Michael's, shall be authorized to employ two constables for each of the several polls, who shall each receive for their services the sum of one dollar per day.

Managers may employ two Constables for each of the polls.

VIII. *And be it further enacted*, That if any person shall, directly or indirectly, offer, give, or engage to pay, any sum of money or other valuable consideration, to any other, to induce such other person to procure for him, or for any other person, by his vote, interest, influence or any other means whatsoever, any office of honor, profit, or trust, within this State, or shall offer, give, promise, or bestow, any reward, by meat, drink, money, or otherwise, for the aforesaid purpose, and be thereof convicted, he shall forfeit the sum of not less than one hundred nor more than five hundred dollars, and suffer imprisonment for a term not exceeding six months.

Votes not to be purchased.

IX. *And be it further enacted*, That if any person shall accept or receive, directly or indirectly, of another, any money or reward of meat,

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drink, or other valuable consideration, for procuring, or assisting to procure, by his vote, interest or influence, any office of honor, profit or trust within this State, for any other person whomsoever, and be thereof convicted, he shall forfeit the sum of not more than one hundred dollars, and suffer imprisonment at the discretion of the court having cognizance of the same; and if such offender be in any office, he shall, on such conviction, be disabled from holding the same. And for the more easy conviction of such offenders,

Informer  
exculpated.

X. *Be it further enacted*, That if either of the parties offending as aforesaid shall give information, upon oath, against the other offending party, and shall duly prosecute such offender, such informer shall be free from the penalties aforesaid.

Offences where  
and how  
punished.

XI. *And be it also further enacted*, That all offences under this Act shall be heard, tried and determined before the court of sessions and general gaol delivery in the district where such offence is committed, and the pecuniary penalties accruing thereby shall go one half to the informer and the other half to the commissioners of public buildings for the district where the offence is committed; and such informer shall be a competent witness notwithstanding his interest in the event of the prosecution.

Voters not to  
be intimidated.

XII. *And be it further enacted*, That if any person shall, at any election whatever, maltreat, assault, threaten, beat or abuse any voter, with a view to intimidate or control him in the free exercise of his right of suffrage, such offender, on conviction, shall suffer fine and imprisonment, at the discretion of the court.

Penalties and  
offences defined.

XIII. *And be it further enacted*, That if any person shall forcibly interrupt any election pending under any law of this State, or shall invalidate or prevent, or attempt to invalidate or prevent, any such election, by breaking up or removing, or seizing upon, the ballot box or boxes, or shall by any means prevent or deter, or endeavor to prevent or deter, any voter or voters from putting his or their ballot or ballots into the boxes, or shall change or destroy the ballots which have been duly put therein, every person offending in any of the cases aforesaid shall forfeit the sum of not less than fifty dollars nor more than two hundred dollars, and shall also suffer imprisonment for a term not exceeding three months.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2552.

## AN ACT TO INCORPORATE THE VILLAGE OF ORANGEBURGH.

Orangeburgh  
incorporated.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons, citizens of the United States, who now own, or may hereafter own, dwelling houses in the village of Orangeburgh, and those who may occupy such dwelling houses, under lease, shall be deemed, and are hereby declared, a body politic or corporate, and that the said village shall be called and known by the name of ORANGEBURGH, and its limits shall be

held and deemed to extend one mile in every direction from the court house, except westwardly, in which direction it shall extend to Edisto river.

A. D. 1831.

II. *And be it further enacted*, That the said village shall be governed by an intendant and four wardens, who shall be appointed, in the first instance, by the delegation of Orange parish, and shall continue in office until the second Monday in September next, on which day, as well as on the second Monday in September of every year thereafter, an election shall be held for an intendant and four wardens, (who shall always be freeholders within the limits of said village,) at such place as the intendant and wardens shall designate, ten days notice being previously given; and that all free white male inhabitants of the said village, who have attained the age of twenty-one years, and have resided therein three months previous to the election, shall be entitled to vote for the said intendant and wardens; the election to be held from nine o'clock in the morning until three o'clock in the afternoon; and when the poll shall be closed, the managers shall proclaim the election, and give notice thereof in writing, to the persons elected; and that the intendant and wardens for the time being shall always appoint three managers to hold the ensuing elections; that the intendant and wardens, before entering upon the duties of their offices, shall take the oath prescribed by the constitution of this State, and also the following oath, to wit: "As intendant, or warden, of Orangeburgh, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes of my appointment. So help me God."

To be governed by an intendant and four wardens.

III. *And be it further enacted*, That in case a vacancy shall occur in the office of intendant, or any of the wardens, by death, resignation, removal from office, or absence from the State, an election shall be held by the appointment of the intendant and wardens, or wardens, as the case may be, ten days notice being given; and in case of the sickness or temporary absence of the intendant, the wardens forming a council shall be empowered to elect one of themselves to act as intendant during the time.

Vacancies, how filled.

IV. *And be it further enacted*, That the intendant and wardens, duly elected and qualified, shall, during their term of service, severally and respectively, be vested with all the powers of justices of the quorum of this State, within the limits of said village. That the intendant shall and may, as often as occasion may require, summon the wardens to meet him in council, a majority of whom shall constitute a quorum for the transaction of business, and shall be known by the name of the "Town Council of Orangeburgh;" and they, and their successors in office, may have a common seal, and shall have power and authority to appoint, from time to time, such and so many proper persons to act as constables within their jurisdiction, according to law, as they may deem expedient and proper; which constables shall have all the powers, privileges and emoluments, and be subject to all the duties, penalties and regulations, provided by the laws of the State for the office of constable; and the intendant and wardens in council shall have power, under their corporate seal, to ordain and establish all such rules, by-laws and ordinances, respecting the streets, ways, markets and police of said village, as shall appear to them proper for the security, welfare and convenience of said village, and for preserving the health, peace, order, and good government within the same; and the said council may affix fines for offences against such by-laws and ordinances, and appropriate the same to the use of the corporation; but no fine shall exceed fifty dollars; and when fines exceed ten dollars, they may be recovered

Shall have the powers of justices of quorum.

May affix fines not exceeding \$50.

A. D. 1831.

in the court of sessions for Orangeburgh district; and when they are of the amount of ten dollars or under, they may be recovered before the said intendant and wardens, in council; *provided*, that nothing herein contained shall empower the said council to ordain or establish any by-laws or ordinances inconsistent with or repugnant to the laws of the land; and all such by-laws and ordinances shall at all times be subject to the revisal or repeal of the Legislature.

Sole power of  
granting  
licenses.

V. *And be it further enacted*, That the said intendant and wardens shall have the sole power of granting tavern and retailing licenses within the limits of the said corporation, and to appropriate the fees for the granting such licenses, to the use of the corporation.

Shall have  
power to re-  
move nuisan-  
ces, appoint pa-  
trols, &c.

VI. *And be it further enacted*, That the said intendant and wardens shall have power to abate and remove nuisances within the said limits, and to classify and arrange the inhabitants liable to do patrol duty, and to require them to perform such duty as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now or may be hereafter established by law; and the said intendant and wardens, or any one of them, upon view thereof, or upon complaint lodged on oath, are hereby required and authorized to issue warrants against all offenders, and cause them to be brought before them or him, and upon due examination, shall either release, admit to bail, if the offence be bailable, or commit to goal, such offenders, as the case may require; and the sheriff of Orangeburgh district is hereby required to receive and keep the persons so committed, until discharged by due course of law; and that the said intendant and wardens shall collectively and severally have cognizance, within the said corporate limits, in all criminal cases, as justices of the peace and quorum have, according to law.

Working on  
Roads, &c.

VII. *And be it further enacted*, That it shall be the duty of the said intendant and wardens to keep all roads, streets and alleys, within the said limits, open and in good repair; and for that purpose they are invested with all the powers granted by law to commissioners of roads; and for neglect of duty they shall be liable to the penalties imposed by law on commissioners of roads for like neglect.

Shall have  
power to com-  
pound with  
persons liable  
to do road duty.

VIII. *And be it further enacted*, That the said intendant and wardens shall have power to compound with persons liable to work on the said roads, streets and alleys, and to release such persons as may desire it, upon the payment of such sum of money as they may deem a fair equivalent therefor, to be applied by them to the use of said corporation; and no person residing within said limits shall be liable to work on any road without the said limits, or be taxed or assessed for the same.

How long to  
remain in  
force.

IX. *And be it further enacted*, That this Act shall be taken and deemed as a public Act in all the courts of justice, and shall continue in force for seven years, and until the end of the next session of the Legislature thereafter.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty sixth year of the Sovereignty and Independence of the United States of America

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

A. D. 1834.

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT  
HUNDRED AND THIRTY-ONE. No. 2553.

I. *Be it enacted* by the Senate and House of Representatives, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, for the use and service thereof; that is to say, thirty cents ad valorem on every hundred dollars, of the value of all lands granted in this State; the sum of sixty cents per head on all slaves of every description; and the sum of two dollars on all free negroes, mulattoes, and mestizoes, between the ages of fifteen and fifty; (except such as shall be clearly proved, to the satisfaction of the collectors, to be incapable, from maims or otherwise, of providing a livelihood,) and thirty cents ad valorem on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough; including all lots, and portions of land, on which buildings may be erected, in the immediate vicinity of any city, town, village or borough, which may have been made, or shall hereafter be made, with a view to a city, town, village, or borough settlement, or shall ordinarily be regarded as forming a part of any city, town, village, or borough in this State; and sixty cents per hundred dollars, on factorage employment, faculties and professions, whether in the profession of the law the profits be derived from costs of suit, fees, or other sources of professional income, and on the amount of commissions received by vendue-masters and commission merchants, (clergymen, schoolmasters, schoolmistresses and mechanics, excepted;) to be ascertained and rated by the assessors and collectors throughout this State, according to the best of their knowledge and information; to be paid in specie, paper medium, or the notes of the specie paying banks of this State.

Tax to be raised on lands, negroes, &c. to be paid in notes of the incorporated Banks of this State, &c.

Faculties and Professions.

II. *And be it further enacted*, That the tax collectors of this State are authorized and required to issue their executions against all such free negroes, mulattoes, and mustizoes, as shall neglect or refuse to pay the tax imposed by this Act, directed to the sheriffs of the said State, requiring them to sell, for a term not exceeding one year, the services of the said free negroes, mulattoes, or mustizoes, to meet the payment of the tax imposed; *provided*, that the sheriff shall not sell the services of any free negro, mulattoe, or mustizoe, for a longer term than shall be necessary to pay and discharge the taxes due.

Tax collectors must issue executions.

III. *And be it further enacted*, That any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay, for the use of the State, a double tax on the same; but this clause shall not be construed to extend to any person sent, or to be hereafter sent, abroad in the service of this State, or the United States, until one year after the expiration of his commission.

Absentees double taxed.

IV. *And be it further enacted*, That all persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of five dollars per day, before making such exhibitions; which shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay the same over into the public treasury annually; and in case of non-payment, the clerk of the court, or any justice of the peace or quorum, is hereby authorized and required to issue an execution, for double the amount

Tax on plays and shows.

A. D. 1831.

Tax on stock  
in trade.

Oath.

Defaulting col-  
lectors to pay  
5 per cent a  
month.

Treasurer to  
issue execu-  
tions against  
Sheriffs and  
Coroners.

Information to  
be given of  
property sold.

of the tax, directed to any sheriff or constable of the district, against the body or goods of the person or persons liable to pay the said tax; provided, that nothing herein contained shall be construed to extend to any incorporated town or city.

V. *And be it further enacted*, That sixty cents shall be levied on every hundred dollars worth of goods, wares and merchandize, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States, or territories thereof, excepted,) which any person shall use or employ as articles of trade, or for sale, barter or exchange, or have in his, her or their possession, on the first day of January, one thousand eight hundred and thirty-two, either on his, her or their own account, or purchased by his, her or their own capital, or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; to be assessed by the assessors and collectors throughout this State, according to the best of their knowledge and information; and every person or persons making return of such goods, wares or merchandize, to a tax collector, shall take the following oath or affirmation; "I, A. B. do solemnly swear, (or affirm) that the return which I now make, is, to the best of my knowledge and belief, a just and true return of the amount and value of all goods, wares and merchandize, (the products of this State, and the unmanufactured products of any of the United States, or territories thereof, excepted,) which I held in my possession on the first day of January, one thousand eight hundred and thirty-two, for sale, barter or exchange, either on my own account, or upon borrowed capital, or on account of others, as agent, attorney or consignee. So help me God."

VI. *And be it further enacted*, That if any tax collector shall refuse or neglect to make his return, and pay the taxes, within the time prescribed by law, which had been received by him, it shall be the duty of the treasurer, within whose division such default shall be made, in addition to the coercive power which they now possess, to charge the said collector with interest, at the rate of five per cent per month, from the time he ought to have made such return and paid the taxes, to the time of settlement.

VII. *And be it further enacted*, That it shall be the duty of any sheriff or coroner in whose hands a tax execution shall be placed by a tax collector, to collect and pay over the amount for which such execution shall issue, to the treasurer within whose division he may reside, within six months from the time he shall receive the same; and in default thereof, it shall be the duty of the treasurer to issue execution against such sheriff or coroner, for the whole amount expressed in such execution, with interest thereon, at the rate of five per cent, per month, from the time he should have paid the same: *Provided*, that sheriffs and coroners be allowed credit for nulla bona executions as heretofore.

VIII. *And be it further enacted*, That it shall be the duty of every taxable inhabitant of this State, who has, since the first day of October, one thousand eight hundred and thirty, and prior to the first day of October last, sold or transferred the possession of any real or personal property liable to tax, (except stock in trade) to give information, at the time of making his next return, of such sale or transfer, and the name of the person to whom sold or transferred, to the tax collector of the district in which he may reside, to the end that the tax collector may be better enabled to collect the public dues.

IX. *And be it further enacted*, That after the passing of this Act no person

shall open or keep any office for the sale of lottery tickets, in any other lottery than such as may be authorized by the laws of this State, unless such person shall have first paid to the tax collector of the parish or district a tax of two thousand dollars for such privilege; and if any person shall open or keep any office for the sale of lottery tickets, or shall sell, or offer for sale, any lottery tickets, without having paid such tax, such person, on conviction thereof by indictment, shall forfeit and pay ten thousand dollars; and it shall be the duty of the tax collector of the district or parish in which such office shall be kept, or in which such lottery tickets shall be sold, or offered for sale, to prosecute all persons who shall offend against the provisions of this Act.

A. D. 1831.

Tax on persons  
who sell  
Lottery tickets.

X. *And be it further enacted*, That the treasurer of each division be, and he is hereby, authorized and required to pay quarterly, at the end of each quarter, all appropriations made for and on account of any officer of this State, or other appropriation, within his division; except the officers of each branch of the Legislature, who shall be paid by the treasurer of the upper division, at the end of the session of the Legislature; and except the pay bills of the members of the Legislature, which shall be paid on presentment at either of the treasuries; and except the officers of the South Carolina College, who shall be paid as heretofore, under their contract with the Board of Trustees, quarterly in advance; and it shall be the duty of either of the treasurers, whenever he shall make any payment, to take a duplicate receipt, and forward the same to the comptroller-general, with his monthly report.

Appropriations  
to be paid.

XI. *And be it further enacted*, That if any transient person or persons not resident in this State, shall at any time sell, or expose to sale, any goods, wares or merchandize, in any house, stall or public place, after the first day of January in each year, such person shall make return upon oath, within ten days after commencing to sell as aforesaid, of the whole amount of the stock in trade he may have possessed at the time, to the tax collector of the district or parish in which the said goods, wares or merchandize shall have been or may be sold or exposed to sale; and if any person shall neglect or refuse to make such return as aforesaid, within the time prescribed above, he shall, on conviction thereof by indictment, forfeit and pay the sum of not more than one thousand dollars; unless such person shall have paid for and procured a license according to the provisions of an Act entitled "An Act to increase the price of license to hawkers and pedlars."

Goods of trans-  
ient persons  
taxed.

XII. *And be it further enacted*, That it shall be the duty of such tax collectors to proceed to collect, from such persons so selling as aforesaid, the tax required by law to be paid on stock in trade, within five days after receiving such return.

Said tax to be  
collected with-  
in five days.

XIII. *And be it further enacted*, That if any tax collector shall fail or neglect to require a return, on oath, of any person liable to the payment of taxes for the use of the said State, of his or her taxable property, as provided by law, such tax collector shall be liable to a penalty of two hundred dollars, to be recovered by indictment in any court of sessions; one half of which shall be paid into the public treasury, for the use of the said State, and the remainder to the person who shall give information of such neglect and prosecute for the same.

Penalty on tax  
collectors for  
not making  
returns.

XIV. *And be it further enacted*, That a tax of two per cent shall be paid upon all dividends arising from stock owned by any citizen of this State, in all Banks not chartered by this State, whether the said stock be stock within this State or not.

Tax on Bank  
stock.

A. D. 1831.  
 Tax collector  
 to give notice.

XV. *And be it further enacted*, That it shall be the duty of every tax collector to give public notice of the day when he intends to close his books.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2554. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-ONE ; AND FOR OTHER PURPOSES.

*Appropriations* I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the salaries of the public officers, and for the other expenses and purposes of Government :

1. For the salary of the Governor, three thousand five hundred dollars,
2. For the salaries of two Judges of the Court of Appeals, each three thousand dollars.
3. For the salary of one judge of the Court of Appeals, three thousand five hundred dollars.
4. For the salary of one Chancellor, three thousand five hundred dollars.
5. For the salary of one other Chancellor, three thousand dollars.
6. For the salary of one Judge of the Court of Common Pleas, two thousand five hundred and seventy-two dollars.
7. For the salaries of two Circuit Judges, each three thousand five hundred dollars.
8. For the salaries of three Circuit Judges, each two thousand five hundred dollars.
9. For the salary of the State Reporter, one thousand dollars.
10. For the salary of the Attorney-General, nine hundred dollars.
11. For the salaries of the Circuit Solicitors, each seven hundred dollars.
12. For the salary of the Messenger of the Court of Appeals in Charleston, one hundred and fifty dollars.
13. For the Messenger of the same Court in Columbia, one hundred and fifty dollars,
14. For the pay of the Members of the Legislature, and of the Solicitors, during the present session, eighteen thousand dollars, if so much be necessary.
15. For the salaries of the Clerks of the Senate and House of Representatives, each one thousand dollars, to be paid at the adjournment of the Legislature.
16. For the salaries of two Messengers and two Doorkeepers, each two hundred dollars, to be paid at the adjournment of the Legislature.
17. For the salary of the Librarian of the Legislature, one hundred dollars.
18. For the salary of the keeper of the State House in Columbia, one hundred and thirty dollars,

A. D. 1831.

19. For the salary of the Comptroller-general, fifteen hundred dollars.

20. For the salary of the clerk of the Comptroller-general, to be appointed by him and removable at his pleasure, seven hundred and fifty dollars.

21. For the salary of the Treasurer of the lower division, and for transacting the business of the loan office, and for clerks, two thousand dollars.

22. For the salary of the Treasurer of the upper division, including clerk's hire, sixteen hundred dollars.

23. For the salary of the President of the South Carolina College, three thousand dollars.

24. For the salaries of the Professor of Metaphysics, Moral Philosophy and the Evidences of Christianity, of the Professor of Mathematics, of the Professor of the Elements of Criticism, Logic and the Philosophy of Languages, and of the Professor of Languages, each two thousand dollars.

25. For the assistant Professor of Chemistry, one thousand dollars.

26. For the salary of one Tutor, one thousand dollars.

27. For the salary of the Treasurer and Librarian of the College, four hundred dollars. And the salaries of the President, Professors and Tutor, shall be paid by the treasurer of the upper division, quarterly in advance, their drafts being countersigned by the Treasurer of the College.

28. For the commons and other incidental expenses of one student in the College, from the Orphan House in Charleston, two hundred and sixty dollars; to be paid to the Cashier of the Branch Bank at Columbia, for the use of such student.

29. For the salary of the Adjutant and Inspector General, fifteen hundred dollars.

30. For the salary of the Arsenal keeper in Charleston, four hundred and fifty dollars.

31. For the salary of the arsenal keeper in Abbeville, two hundred dollars.

32. For the salary of the arsenal keeper and powder receiver in Beaufort, two hundred dollars.

33. For the pay of the magazine guard, near Charleston, to consist of ar officer, a sergeant and twelve privates, three thousand two hundred dollars, to be paid under the direction of the Comptroller-general.

34. For the pay of the Physician of the magazine guard and gaol in Charleston, four hundred dollars.

35. For the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars.

36. For the payment of pensions and annuities, twenty thousand dollars, if so much be necessary.

37. For the payment of the contingent accounts of the lower division, fourteen thousand dollars, if so much be necessary.

38. For the payment of the contingent accounts of the upper division, five thousand eight hundred dollars, if so much be necessary.

39. For the contingent fund, subject to the draft of the Governor, of the expenditure of which he shall submit an account annually to the Legislature, six thousand dollars.

40. For the rent of the Governor's house in Columbia, two hundred dollars.

41. For the support of free schools, thirty-seven thousand dollars.

42. For the support of the Transient Poor of Charleston, payable to the City Council, four thousand five hundred dollars; and the city council shall account to the Legislature for the expenditure thereof.

- A. D. 1831. 43. For the support of the transient poor of Georgetown, four hundred dollars; to be expended by the commissioners of the poor of Prince George Winyaw, who shall publish annually, in the nearest Gazette, the names of the transient poor, and the sums paid to each; and return, annually, on oath, to the comptroller-general, an account of their expenditures, to be submitted to the Legislature.
44. For the payment of claims, according to the reports of the committees on claims, agreed on and adopted at the present session, ten thousand dollars, if so much be necessary.
- Acts. 45. For Abner Landrum, two thousand dollars, for public printing, according to his contract; *provided* the Acts and Resolutions be printed and deposited in the office of the Secretary of State, in Columbia, on or before the fifteenth day of February next, otherwise only fourteen hundred dollars.
46. For Spencer J. M'Morris, for printing, fifty dollars.
47. For A. S. Johnston, for printing, fifty-two dollars.
48. For the salaries of the reading clerks of the Senate and of the House of Representatives, each one hundred and fifty dollars, to be paid at the end of the session.
49. For the Assessor of St. Philip's and St. Michael's, eight hundred dollars.
50. For the salary of the Pilot of the bar and harbor of Georgetown, three hundred and twenty dollars.
51. For the city council of Charleston, for the execution of the quarantine laws, one thousand dollars.
52. For insuring the buildings of the South Carolina College, five hundred dollars, if so much be necessary.
53. For public buildings, one thousand five hundred dollars, if so much be necessary.
54. For the re-payment of double taxes, ordered to be refunded by both branches of the Legislature, seven hundred dollars, if so much be necessary.
55. For the support of such a guard for the State House, in Columbia, as will afford four sentinels from sundown until sunrise, through the year, to be paid to the Intendant and Wardens of the town of Columbia, eight hundred dollars.
- Appropriation for the Clerks of the Appeal Court. 56. *And be it further enacted*, That the clerks of the court of appeals of Charleston and Columbia, be, and they are hereby, authorized to draw their salaries quarterly, at the end of each quarter; the clerk at Columbia, from the treasurer of the upper division, and the clerk at Charleston, from the treasury of the lower division, and that the sum of six hundred dollars be appropriated for that purpose.
- Commissioners of free schools in St. John's Colleton. 57. For the salary of the keeper of the magazine in Georgetown, to be paid to the town council, one hundred and fifty dollars.
58. *And be it further enacted* by the authority aforesaid, That the commissioners of free schools for the parish of St. John's Colleton, be, and are hereby, authorized to draw upon the treasury, in payment of the teachers of free schools in said parish for the year 1831—provided the amount of such drafts does not exceed two hundred and eighty dollars thirty-one cents.
- Commissioners to superintend public buildings. 59. To J. N. Cardozo, for publishing advertisement for public printing, eleven dollars fifty cents; and the sum of eleven dollars fifty cents to C. F. Daniels, for the like service.
60. *Be it further enacted*, That John J. Chappell, James Boatwright and John W. Clark, be, and they are hereby, appointed commissioners to superintend the repairs of the State House and its appurtenances, with

full power and authority to draw from the treasury the sum of five thousand dollars, appropriated at the last session for that purpose.

A. D. 1831.

61. *And be it further enacted* by the authority aforesaid, That the following sums be, and they are hereby, appropriated for the purposes hereinafter mentioned.

The sum of two thousand four hundred and fifty-one dollars to Charles M'Culloch, for works heretofore done on the Catawba river.

The sum of three thousand five hundred dollars to the Superintendent of public works, who is hereby authorized therewith to purchase the plantation of James B. Pickett, if he can do so on terms he may think to the interest of the State, and if not, that he pay to the said James B. Pickett the amount of his verdict obtained against the State, and comply with the conditions embraced in the same, as agreed to by both branches of the Legislature.

62. *And be it further enacted*, That the monies heretofore collected by the sheriff of Beaufort district, from Rene Breteadeau and Edward Bressac, assurances of Prosper Le Cerf, under executions issued upon their recognizance estreated for the default of said Prosper Le Cerf, in not appearing to receive sentence, upon a conviction for keeping a disorderly house, be, and the same is hereby, ordered to be repaid to the said Rene Breteadeau and Edward Brassac—provided the said monies have not been paid over to the commissioners of public buildings for said district of Beaufort—and provided also, that all the costs incurred by the proceedings against the said Rene Breteadeau and Edward Bressac, be first paid.

R. Breteadeau  
and E. Bressac,  
monies to be  
repaid them.

63. To Dr. A. Evans, in payment of medical account, forty-nine dollars and fifty cents.

64. For James McKinney, sheriff of Anderson, for blankets furnished prisoners, twenty-two dollars and twenty-five cents.

65. For James A. McMurtry, for repairs to field piece, five dollars eighty-seven and a half cents.

*And be it further enacted*, That the commissioners of public buildings for Abbeville district, shall have power to draw the unexpended balance of ten thousand dollars, appropriated in 1827 to public buildings in that district, for the purpose of completing the work upon the said buildings, set forth in their report at this session; *provided* the same shall not exceed the sum of four hundred dollars.

Commissioners  
of public build-  
ings for  
Abbeville.

*And be it further enacted*, That the sum of three thousand dollars shall be appropriated for the Lunatic Asylum, for the year commencing the twenty-ninth of November of this year.

Lunatic Asy-  
lum appropria-  
tion.

*And be it further enacted*, That the commissioners of free schools of Pendleton district, be, and they are hereby, authorized to draw the sum of one thousand two hundred and twenty-six dollars and twenty-six cents, from the treasury, being the unexpended balance due for the years 1830 and 1831, and that the said amount shall be equally divided between the districts of Anderson and Pickens.

Appropriation  
for Pendleton  
and Anderson  
districts.

*And be it further enacted*, That the following sums be, and they are hereby, appropriated and ordered to be paid to the several persons hereinafter named, as agreed to by the military committee.

Appropriation  
in favor of indi-  
viduals.

For Philip Schapput, for mounting a field piece, one hundred and sixty-four dollars twenty-eight cents.

For Abram Singleton, for subsisting a pickett guard, fifteen dollars.

For Robert M'Daniel, for subsisting a party on guard duty, thirteen dollars and fifty cents.

For Cader Hughes, for furnishing a company of militia, eleven dollars and twenty-five cents.

A. D. 1831.

For John H. Johnson, for supplying a detachment of militia, seventeen dollars and twenty-five cents.

For J. C. Shannon, for furnishing a detachment of militia, sixty dollars and sixty-one cents.

For William Evans, for the same service, twenty-four dollars.

For C. W. Dudley, for a supply of ammunition, seventeen dollars.

For Nathan Evans, for mounting a field piece, fifty-five dollars.

For William Adams, for repairing a field piece, four dollars.

John Rose's annuity.

*And be it further enacted*, That John Rose be, and he is hereby, authorized to draw from the treasury the sum of forty dollars every year, for the seven years next ensuing the passage of this Act.

Commissioners of free schools, Goose Creek.

*And be it further enacted*, That the commissioners of free schools, for the parish of St. James Goose Creek, be, and they are hereby, authorized to draw twenty dollars, being an unexpended balance of the year 1829.

Monies refunded to J. W. Schmidt.

*Be it enacted*, That the city council of Charleston do pay back to J. W. Schmidt the sum of fifteen hundred and fifty dollars ninety-one cents, remitted to him out of the money recovered from the estate of Joseph Clarke.

For the salary of the Superintendent of public works, twelve hundred dollars.

Tax twice paid to be refunded.

*And be it further enacted*, That the Comptroller general be, and he is hereby, authorized to refund to Edward Walley, trustee of Elizabeth MacKay, the sum of fifty-three dollars forty cents, for his general tax, twice paid by mistake; and also twelve dollars to J. F. & C. Chester, for their tax on stock in trade, twice paid by mistake.

J. D. Johnson's bond cancelled.

*And be it further enacted*, That the Comptroller-general be authorized to cancel the bond of Joseph D. Johnson, late tax collector of St. Peter's parish; *provided* it shall appear that he is not indebted to the State, and shall also produce a certificate from the commissioners of the poor, that nothing is due to them.

J. Stevens's settlement of judgment.

*And be it further enacted*, That the attorney on the part of the State, be, and he is hereby, authorized to settle with James Stevens, on the judgment obtained in behalf of this State against him, in the State of Georgia, as one of the sureties of Bartlet Ferguson, late sheriff of Beaufort district, on the said James Stevens paying his aliquot part of the deficiency of the said Bartlet Ferguson, with interest up to the time of his tender, and all costs.

Appropriation for medical accounts.

*And be it further enacted*, That the sum of two hundred dollars, if so much be necessary, be appropriated for medical accounts, agreed to by both branches of the Legislature.

Court-house of Lexington district.

*And be it further enacted* by the authority aforesaid, That the commissioners of public buildings for the district of Lexington, be, and they are hereby, authorized to apply the proceeds of the sale of the old jail of said district, amounting to two hundred dollars, to the alteration of the court-house of said district.

For the relief of Gilbert C. Geddes, three thousand dollars.

Cheraw Bank.

*And be it further enacted*, That the treasurer of the upper division be authorized, and he is hereby required, to pass to the credit of the Bank of this State, the sum of five thousand one hundred and eighty dollars, which was lost by the Cheraw Bank.

Appropriation for the heirs of Isaac Fair.

*And be it further enacted*, That the sum of eleven thousand five hundred dollars of the appropriation made the last year, be, and the same is hereby, appropriated to be paid to B. J. Earle, for the purpose of settling with the heirs at law of Isaac Fair, deceased, on account of their interest in the town of Hamburg—and the commissioners for the sale of lots in the said

town, are hereby authorized and directed to sell, in the course of the ensuing year, upon such terms as they shall deem proper, a portion of the lots of the said town, sufficient to return to the treasury the amount of money drawn from it in pursuance of the above appropriation. A. D. 1832.

For the purchase of Audubon on American Ornithology, for the use of the College Library, eight hundred dollars, to be drawn for, as the work is delivered, by the treasurer of the College: *Provided*, that this appropriation be paid in such proportions as is directed by the report on that subject, agreed to by both branches of the Legislature. Appropriation for Audubon's American Ornithologist.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, and in the fifty-sixth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

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AN ACT to provide for the calling of a Convention of the People No. 2555.  
of this State.

(Passed at an Extra Session of the Legislature, October 26, 1832. Published in vol. 1, 309.)

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AN ACT TO MAKE PARTIAL APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-TWO. No. 2556.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the purposes hereinafter mentioned, viz: Appropriations

For the pay of the members of the Legislature, and of the Solicitors, for their attendance during the present session, eight thousand dollars, if so much be necessary.

For the Clerks of the Senate and House of Representatives, each the same pay that is now by law allowed to the members of the Legislature.

For the reading Clerks of the Senate and House of Representatives, each the same pay that is now by law allowed to the members of the Legislature.


For the keeper of the State House, two Messengers and two Door Keepers, each the same pay that is by law allowed to the members of the Legislature.

For the Librarian of the Legislature, three dollars per day for his attendance on the Legislature.

For the Secretary of State, as a compensation for his travelling expenses and attendance during the present session, three dollars per day.

For the travelling expenses and attendance of the Comptroller-general, at the present session, three dollars per diem.

For the pay of the members of the State Convention, to be held on the

A D. 1832.  third Monday in November next, ten thousand dollars, if so much be necessary; each member to receive the same pay that is now by law allowed to members of the Legislature.

For the Messenger and Door-keeper of the said Convention, each the same pay that is now by law allowed to members of the Legislature.

For the Clerk of the said Convention, the same pay that is now by law allowed to the members of the Legislature.

For A. S. Johnston, for printing done during the present session, one hundred and eighty-nine dollars.

In the Senate House, the twenty-sixth day of October, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the Independence of the United States of America.

H. L. PINCKNEY, *Speaker of the House of Representatives.*

H. DEAS, *President of the Senate.*

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No. 2557. AN ORDINANCE to NULLIFY certain Acts of the Congress of the United States, purporting to be Laws, laying duties and imposts on the importation of foreign commodities.

(Passed by the *Convention*, November 24, 1832. Published in vol. 1, 329.)

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No. 2558. AN ACT to carry into effect, in part, "An Ordinance to Nullify certain Acts of the Congress of the United States, purporting to be Laws, laying duties on the importation of foreign commodities," passed in Convention of this State, at Columbia, on the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and thirty-two.

(Passed December 20, 1832. *See vol. 1, 371.*)

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No. 2559. AN ACT concerning the Oath required by the Ordinance, passed in Convention at Columbia, the twenty-fourth day of November, one thousand eight hundred and thirty-two.

(Passed December 20, 1832. *See vol. 1, 375.*)

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No. 2560. AN ACT further to alter and amend the Militia Laws of this State.

(Passed December 20, 1832. *See last volume.*)

A. D. 1832.

AN ACT to regulate the Militia of the Parishes of St. Philip and St. Michael; and for other purposes. No. 2561.

(Passed December 20, 1832. *See last volume.*)

AN ACT to renew the Charter of the Bank of South Carolina. No. 2562.

(Passed December 20, 1832. *See last volume.*)

AN ACT to establish certain Roads, Bridges and Ferries. No. 2563.

(Passed December 20, 1832. *See last volume.*)

AN ACT TO GIVE THE JUDICIAL MAGISTRATES OF CHARLESTON EX- No. 2564.

CLUSIVE RIGHT TO SIT ON COURTS FOR THE TRIAL OF SLAVES AND OTHER PERSONS OF COLOR:

1. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the two judicial magistrates elected for the city of Charleston by the board of magistrates, in pursuance of an Act passed in December, one thousand eight hundred and thirty, entitled "An Act for the further regulation of magistrates and constables of the parishes of St. Philip and St. Michael," shall have exclusive right of presiding over all courts, in the said city of Charleston, organized for the trial of slaves and other persons of color, charged with offences punishable by law; and in such cases where the offence charged calls for two justices to sit on the court, as is the case in some instances, the presiding magistrate may call to his assistance either the other judicial or a ministerial magistrate; *provided*, the ministerial magistrate so called be other than the one who brings up the cause for trial; and it shall be the duty of the ministerial magistrates, and they shall have the exclusive right of issuing all process in the said court; and it shall be the duty of such ministerial magistrate who institutes a cause for trial, to attend and conduct the same as prosecuting officer; and the said judicial magistrates, and their assistants, in those cases where assistant justices are required by law, shall each receive the sum of two dollars for docketing and trying each cause that shall be brought before them, to be paid as magistrates are now paid in the trial of slaves and other persons of color; and the other or ministerial magistrates shall receive all other fees authorized by law in magistrates's cases, and the additional sum of twenty-five cents for attending and conducting each trial.

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On trial of  
colored per-  
sons, number  
necessary to  
convict, &c.

II. *And be it further enacted* by the authority aforesaid, That when any slave or other person of color shall be charged with an offence not capital, a majority of the freeholders, with the concurrence of the presiding magistrate, are hereby authorized and empowered to find the verdict, and determine the nature and extent of the punishment to be inflicted; but when the freeholders are unanimous, the concurrence of the magistrate shall [not] be required; *provided however*, that on the trial of a slave or other person of color, for any capital offence, the unanimous concurrence of the freeholders, and also one of the presiding magistrates, shall be necessary to conviction.

Magistrates to  
open a docket  
book.

III. *And be it further enacted*, That the judicial magistrates shall open a docket book, and keep it open every day, during the sitting of the magistrates's court, for the trial of causes small and mean, in which shall be entered all cases for the trial of slaves and other persons of color; and upon which entry being made, the judicial magistrate presiding shall appoint the time when the trial shall be had.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2565. AN ACT to empower the Commissioners of Cross Roads for Charleston Neck, to appoint a collector of Patrol Fines.

(Passed December 20, 1832. *See last volume.*)

No. 2566. AN ACT TO INCORPORATE THE TOWN OF WINNSBOROUGH.

Winnsborough  
incorporated.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons, citizens of the United States, who now own, or may hereafter own, dwelling houses in the town of Winnsborough, or those who may hereafter occupy such dwelling houses under lease, shall be deemed, and are hereby declared, a body politic and corporate, and that said town shall be called and known by the name of WINNSBOROUGH, and its limits shall be held and deemed to extend as defined by the Act of Incorporation, passed the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen.

To be governed  
by an intendant  
and four war-  
dens.

II. *And be it enacted* by the authority aforesaid, That the said town shall be governed by an intendant and four wardens, who shall be appointed in the first instance by the delegation of Fairfield district, and shall continue in office until the first Monday in April next, on which day, as well as on the first Monday in April of every year thereafter, an election shall be held for an intendant and wardens, (who shall always be citizens of the United States, and shall have been residents of said town

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for twelve months preceding said election,) at such place in said town as the intendant and wardens shall designate, ten days public notice in writing being previously given; and that all free white male inhabitants of the said town, of the age of twenty-one years, and who have resided therein three months previous to the election, shall be entitled to vote for said intendant and wardens—and that the election shall be held from nine o'clock in the morning until three o'clock in the afternoon, when the poll shall be closed, and the managers shall proclaim the election, and shall give notice thereof in writing, to the persons elected; and that the intendant and wardens for the time being shall always appoint three managers to hold the ensuing election; that the intendant and wardens, before entering upon the duty of their offices, shall take the oath prescribed by the constitution of this State, and also the following oath, to wit: "As Intendant, or Warden, of Winnsborough, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes of my appointment. So help me God."

III. *And be it further enacted*, That in case a vacancy shall occur in the office of intendant or of any of the wardens, by death, resignation, removal from office, removal from the State, or from any other cause, an election shall be held by the appointment of the intendant and wardens, or wardens, as the case may be, ten days notice thereof as aforesaid being given; and in case of the sickness or temporary absence of the intendant, the wardens forming a council shall be empowered to elect one of themselves to act as intendant during such sickness or absence. Vacancies how to be filled.

IV. *And be it further enacted*, That the intendant and wardens duly elected and qualified, shall, during their time of service, severally and respectively, be vested with all the powers of justices of the quorum of this State, in matters civil and criminal, within the limits of the said town; that the intendant shall, as often as occasion may require, summon the wardens to meet him in council, a majority of whom shall constitute a quorum for the transaction of business, and shall be known by the name of the Town Council of Winnsborough; and they, and their successors in office, shall have a common seal; and shall have power and authority to appoint, from time to time, such and so many proper persons to act as constables, as they shall deem expedient and proper; which constables shall have all the powers, privileges and emoluments, and be subject to all the duties, penalties and regulations, provided and enacted by the laws of this State for the office of constable; and the intendant and wardens in council shall have power and authority, under their corporate seal, to ordain and establish all such rules, by-laws and ordinances respecting the streets, ways, public wells and springs or fountains of water, markets and police of the said town, as shall appear to them proper, for the security, welfare, and convenience of the said town, and for preserving health, peace, order and good government within the same; and the said council may affix fines, for offences against such by-laws and ordinances, and appropriate the same to the use of the corporation; but no fine shall exceed fifty dollars; and when fines shall exceed ten dollars, they may be recovered in the court of sessions for Fairfield district, and when they are of the amount of ten dollars or under, they may be recovered before the intendant and wardens; *provided*, nothing herein contained shall empower or authorize the said council to ordain or establish any by-laws or ordinances inconsistent with or repugnant to the laws of this State; and all by-laws and ordinances of said council shall at all times be subject to the revival or repeal of the Legislature. Powers and duties of the corporation.

V. *And be it further enacted*, That the said council shall have power May affix fines which shall not exceed \$50.

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Nuisances to be abated and patrol duty performed.

to abate and remove nuisances within the said limits of said town; and also to classify and arrange the inhabitants liable to do patrol duty, and to require them to perform such duty, as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now, or may hereafter be established by law.

To have the powers of commissioners of roads.

VI. *And be it further enacted*, That it shall be the duty of the said intendant and wardens to keep all streets and ways within the limits of the said town, open and in good repair; and for that purpose they are hereby invested with all the powers, rights and privileges granted by law to the commissioners of roads, within the limits of said town; and for neglect of duty they shall be liable to the pains and penalties imposed by law on commissioners of roads for like neglect; and they are hereby individually exempted from the performance of road and patrol duty; and the inhabitants of said town are hereby excused from road and patrol duty without the limits of said town.

Shall have power to compound with persons liable to work on roads.

VII. *And be it further enacted*, That the said intendant and wardens shall have power to compound with persons liable to work on the said streets and ways, and to release such persons as may desire it, upon the payment of such sum of money as they may deem a fair equivalent therefor; to be applied by them to the use of the said corporation.

How long it shall remain in force.

VIII. *And be it further enacted*, That this Act shall be taken and deemed as a public Act in all courts of justice, and shall continue in force for fourteen years, and until the end of the next session of the Legislature thereafter.

IX. All the corporate Acts and doings of the acting commissioners of the streets and markets of the Town of Winnaborough, since the expiration of the charter of incorporation, in December last, be, and they are hereby declared, valid and binding, to all intents and purposes, to the same extent they would have been valid and binding if the Act reviving the corporate privileges and immunities of said town, passed the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, had been continued in full force and effect.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of American Independence.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2567. AN ACT to transfer Captain Cleckley's Company to the fourteenth Regiment, South Carolina Militia; and for other purposes,

(Passed December 20, 1832. *See last volume.*)

No. 2568.

AN ACT concerning the Cambridge Association.

(Passed December 20, 1832. *See last volume.*)

A. D. 1832.

AN ACT TO RELEASE THE TITLE OF THE STATE IN CERTAIN ESCHEATED PROPERTY TO THE SEVERAL PERSONS THEREIN NAMED. No. 2569.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, interest, and title of the State to the following negro slaves, to wit: Bob, Maria, Bill, Prince, Harry, Phillis, Mary, Susan, Leach, Amy, Sarah, Peggy, John and Silvy, and the issue of the females, being part and parcel of the personal estate of Matthew Burden, deceased, late of Orangeburgh district, be, and the same is hereby, vested in Joshua Corley, his executors, administrators and assigns, subject, nevertheless, to the lawful claim or claims of any person or persons whomsoever. Certain negroes vested in John Corley.

II. *And be it further enacted* by the authority aforesaid, That all the right, interest and title of the State, to the personal estate of Elizabeth Neal, late of Barnwell district, deceased, be, and the same is hereby, vested in Martha Neal, Gabriel Neal, Martin Neal and Lula Neal, their executors, administrators and assigns, as tenants in common, subject, nevertheless, to the lawful claim or claims of any person or persons whomsoever. Vesting the estate of Elizabeth Neal in certain persons.

III. *Be it further enacted*, That all the right, title and interest of this State, to the estate of Christian Creamore, deceased, be, and the same is hereby, vested in Margaret Hartzhog and Henry Hartzhog, their executors, administrators and assigns, as tenants in common, subject, nevertheless, to the lawful claim or claims of any person or persons whomsoever. Vesting estate of Christian Creamore.

IV. *Be it further enacted* by the authority aforesaid, That all the right, title and interest of the State, to and in the real and personal estate whereof one Daniel McKinnon died seized and possessed, in the district of Marion, be, and the same are hereby, released to and vested in his daughter, Mary McKinnon, her heirs and assigns. Vesting estate of Daniel McKinnon.

V. *And be it further enacted* by the authority aforesaid, That all the right, title and interest of the State, to and in the real estate whereof one Neill Smith died seized and possessed, in the district of Kershaw, be, and the same are hereby, released to and vested in T. Salmond and J. K. Douglas, their heirs and assigns, in trust, to dispose of the same, and pay over the proceeds of the sale thereof to the legal representatives or guardian of Neill Smith and Jennet Smith, minor children of said Neill Smith, deceased, for the use and benefit of said minors, share and share alike. Vesting estate of Neill Smith.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of American Independence.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

AN ACT prescribing the mode of altering the boundaries of the several Militia Beats, Battalions and Regiments within this State. No. 2570.

(Passed December 20, 1832. See last volume.)

A. D. 1832.

No. 2571. AN ACT TO PROVIDE FOR THE SECURITY AND PROTECTION OF THE  
STATE CITADEL AND MAGAZINE IN CHARLESTON.

**Number of the guard.** I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor be, and he is hereby, authorized to enlarge the number of the magazine guard, near Charleston, by the employment of such number of men as the public service may require; provided, the whole number of officers and men, including workmen, artificers and labourers, shall not exceed sixty; that the said guard, in addition to the duties now required of them, shall take charge of the Citadel in the city of Charleston, for the protection of the same, and the arms and munitions of war which may be therein, under such regulations as the Governor may from time to time prescribe.

**Guard subject to order of Governor.** II. The said guard shall be subject to the orders of the Governor exclusively, who shall have the power to appoint and remove officers, to prescribe the duties, and make such rules and regulations for the government of said guard, as he may think proper, not inconsistent with the laws of the land.

**Duties and penalties.** III. In addition to the duties above mentioned, the said guard shall be liable to perform, under the orders of the Governor, all the duties to which the militia or volunteers of the State are or may be liable; and the officers, non-commissioned officers and privates of said guard, shall be liable to be tried and punished by courts martial, composed either of officers of said guard, or of the militia; and shall be subject to the same fines and penalties, and when called into actual service, to the rules and regulations that are or may be prescribed for the government of the militia, under like circumstances.

**Officers and pay.** IV. The officers of said guard shall consist of a Captain, (who shall also be powder receiver, and have charge of the Magazine near Charleston,) a first and a second Lieutenant; and the said officers, non-commissioned officers, privates, workmen and artificers, shall receive a reasonable compensation for their services, to be fixed by the Governor: *Provided*, no commissioned officer shall receive greater pay than is now allowed to officers of the United States army of corresponding grades.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and the fifty-seventh of American Independence.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2572. AN ACT to incorporate under a new name the Jackson Guards.

(Passed December 20, 1832. *See last volume.*)

A. D. 1832.  
**AN ACT TO ATTACH A PART OF ORANGEBURG DISTRICT TO THE JUDICIAL AND COLLECTION DISTRICT OF LEXINGTON. No. 2573.**

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all that part of Orangeburgh district, lying and being above the road leading from Williamson's bridge, on the North Edisto river, to the Pine Log bridge, on the South Edisto river, and bounded by the said road on the East, by North Edisto river on the North, by the line dividing Orangeburgh and Edgefield districts on the West, and by the South Edisto river on the South, be, and the same is hereby, attached to, and shall hereafter form a part of, the judicial and collection district of Lexington.

II. *And be it further enacted* by the authority aforesaid, That the tax collector of Lexington district shall hereafter collect the taxes of the inhabitants liable to pay the same within the limits aforesaid.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

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**AN ACT to Incorporate certain Societies. No. 2574.**  
(Passed December 20, 1832. *See last volume.*)

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**AN ACT TO REQUIRE THE SHERIFF OF ABBEVILLE DISTRICT TO ADVERTISE ALL SHERIFF SALES IN THE NEWSPAPER PUBLISHED AT ABBEVILLE COURT HOUSE. No. 2575.**

I. *Be it enacted*, by the Senate and House of Representatives, That from and after the passing of this Act, it shall be the duty of the sheriff of Abbeville district, and he is hereby required, to advertise all sheriff sales in said district, in the newspaper published at Abbeville court-house.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

A. D. 1832.

**NO. 2576. AN ACT TO INCREASE THE NUMBER OF JUSTICES OF THE QUORUM AND OF THE PEACE FOR CERTAIN DISTRICTS.**

I. *Be it enacted* by the Senate and House of Representatives, That there shall be appointed for the district of Laurens, five justices of the quorum and justices of the peace, in addition to the number now allowed by law.

II. *And be it further enacted*, That there shall be appointed for the district of Fairfield, five justices of the quorum and five justices of the peace, in addition to the number now allowed by law.

III. *And be it further enacted*, That there shall be appointed for the parish of St. George's Dorchester, three justices of the quorum, in addition to the number now allowed by law, and that the number of justices of the peace shall be three less than the number now allowed by law.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of American Independence.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

**NO. 2577. AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO SUSPEND THE ELECTION OF MEMBERS OF CONGRESS FROM THIS STATE," AND TO PRESCRIBE THE TIME OF HOLDING THE NEXT ELECTION.**

I. *Be it enacted*, by the Senate and House of Representatives, That [an] Act entitled "An Act to suspend the election of members of Congress from this State," ratified on the seventeenth day of December, 1831, be, and the same is hereby, repealed.

II. *And be it further enacted*, The election of representatives from this State to the next, or twenty-third, Congress, shall be held on the first Monday in September next, and the day following, at the same places, and conducted by the same managers, as the election of members of the State Legislature: *Provided*, that should the President of the United States issue his proclamation, convening Congress at an extra session, prior to the said first Monday of September, it shall be the duty of the Governor, and he is hereby authorized and required, by proclamation, to order elections to be held for members of Congress, throughout this State, at such time as he may thereby direct and appoint, after due notice thereof.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of American Independence.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

A. D. 1832.

No. 2578.

## AN ACT TO INCORPORATE THE VILLAGE OF ABBEVILLE.

I. *Be it enacted* by the Senate and House of Representatives, That the citizens of this State, who may be inhabitants of the village of Abbeville, or owners of freehold therein, within the limits hereinafter prescribed, are hereby declared a body corporate; and the said village shall be called ABBEVILLE, and be governed by an Intendant and four Wardens, a majority of whom shall form a council, to be called the Town Council of Abbeville, and by that name have succession of members, keep a common seal, take and hold property, sue and be sued, implead and be impleaded, and enjoy every right incident to an incorporation.

Abbeville incorporated, and how to be governed.

II. The said Intendant and Wardens shall always be persons entitled to vote for members of the Legislature in this State, who actually reside within the limits aforesaid, and have so resided at least twelve months immediately preceding their election, and own a freehold therein, worth at least two hundred dollars; They shall in the first instance be appointed by the delegation of Abbeville district; and on the second Monday in September next, and of every year thereafter, an election by ballot shall be held for them at the court-house in the said village, from nine o'clock in the morning until three o'clock in the afternoon; and every citizen entitled to vote for members of the Legislature of this State, and who shall have resided within the limits aforesaid six months immediately preceding the said election, or who, not having so resided, shall own a freehold within the said limits, worth at least two hundred dollars, shall be entitled to vote at the said election, of which ten days public notice shall be given, and three managers appointed by the Intendant and Wardens for the time being, or if there should be neither Intendant nor Wardens, by the clerk of the court of Abbeville district; which managers, having been sworn so to do, shall fairly and impartially conduct and declare the said election.

Qualifications of Intendant and Wardens, and how and when to be elected and by whom.

III. Before entering upon the duties of their offices, the said Intendant and Wardens shall take the oath prescribed by the Constitution of this State, and also the following oath, viz: "I swear that I am legally eligible to the office of Intendant (or Warden, as the case may be) of Abbeville, and that I will faithfully and impartially, to the best of my ability, perform the duties thereof. So help me God." The Intendant's term of service shall continue until his successor shall have been sworn; and the Wardens's term of service shall continue until the election of their successors shall have been declared, and until one of those successors shall have been sworn, when the Intendant and the successor so sworn shall determine which of the Wardens shall be thereby displaced, and the others shall continue in office until another successor shall be sworn, when the Intendant and two successors so sworn shall determine which other shall be thereby displaced, and so on, until the whole of the successors shall have been sworn: In case any person elected Intendant or Warden should refuse to be sworn, or an election should fail to be made on the second Monday of September, a special election shall be ordered by the Intendant and Wardens, or either of them, or clerk aforesaid, according to the case, to be held as aforesaid, after five day's notice: And any vacancy in the office of Intendant or Warden, occasioned by death, resignation, removal from the village, or removal from office, may be filled, by like special election, for the remainder of the term: And the wardens met in council shall have power, by electing one of themselves Intendant, to supply the place of the Intendant, in case of his temporary absence from council,

Oath and term of service of Intendant and Wardens.

Vacancies how to be filled.

A. D. 1832.

until his return; or in case of a vacancy in the office, until an Intendant shall have been elected and sworn.

Meetings of  
Council and  
their powers.

IV. The intendant shall, as often as occasion may require, summon the Wardens to meet him in council: The council shall have power to abate and remove nuisances within the limits of the corporation; and under its corporate seal to enact all such ordinances as may be necessary to regulate the practice of the council, and all such ordinances respecting the streets, ways, lots, fences, markets and police of the said village, as it shall deem proper for the security, welfare and convenience of the said village, or for preserving cleanliness, health, peace, order and good government within the same; and to prevent the violation of its ordinances, by ordaining, as to free whites, fines not exceeding fifty dollars, and as to slaves and free persons of color, any suitable punishment not extending to life or member: *Provided*, that no ordinance shall be repugnant to or inconsistent with the law of the land, and that all ordinances shall at all times be subject to the revisal and repeal of the Legislature.

Regulating  
patrol.

V. The power and duty of organizing, superintending and regulating the patrol in the said village, are transferred to the said council, and it is for that purpose vested with the powers in that respect exercised by a captain of a beat company and a court martial, and severally and collectively the members of the said council made subject to like penalties for neglect of duty: And the said council is further empowered, by suitable ordinances, to direct the time and manner of performing patrol duty within the limits aforesaid, and by additional fines to enforce the performance thereof: *Provided*, that no ordinance shall diminish the quantity of duty by law required from any person.

Working on  
streets.

Licences, &c.

VI. It shall be the duty of the council to keep all roads, streets and alleys within the limits aforesaid, open and in good repair: And for that purpose it is invested with all the powers, and subject to all the duties and liabilities, of commissioners of the roads; and the said council shall have power to regulate licences of shows and exhibitions within the limits, and as to all licences granted by commissioners of the roads, shall, within the limits aforesaid, have the powers of commissioners of the roads; and shall have power, by ordinances, to regulate and compel the performance of road duty, by all persons liable thereto, within their limits, and to compound with any such persons as may desire the same, by taking from them in lieu of labour a fair equivalent in money, which, with all sums received from licences, and all sums arising from fines under this Act, shall be subject to the appropriation of the council for the use of the corporation; and no person residing within the said limits shall be liable to work on any road without such limits, nor shall any property within the said limits be subject to tax or assessment, for roads without.

Offences how  
to be punished.

VII. When an offence, by a free white, against the ordinances of the said council, is charged, for which a fine not less than twenty dollars has been ordained, trial shall be had by indictment, in the court of sessions for Abbeville district; and in case of conviction, collection made as in other cases of fines inflicted in that court: If the fine ordained may, according to discretion, be above or below twenty dollars, the council may, according to its opinion of the case, try the offender, and upon conviction, inflict a fine less than twenty dollars, or direct proceedings in the court of sessions as aforesaid: If the fine ordained be less than twenty dollars, the council shall summon and try the offender by such proceeding as it shall have ordained: All fines inflicted by the council shall be collected by a *feri facias*, or if that be returned *nulla bona*, by a *capias ad satisfaciendum*, which, if not paid, may be discharged by schedule and assignment,

according to the provisions of the gaol bounds Act, after five days notice to the Intendant. A. D. 1832.

VIII. The council shall have power to ordain the mode of trying slaves and free persons of color for any violation of its ordinances; and as to all other offences committed by such persons, shall have the power of the highest court of magistrates and freeholders under the negro Act; and the Intendant and Wardens, severally and collectively, shall, as to the said negro Act, and as to all other matters whatsoever, civil and criminal, (except the trial of small and mean causes) have all the powers of justices of the peace and quorum of this State. Power of justices given to Council.

IX. The council shall have power to appoint such and so many persons to Act as constables within the limits aforesaid, as it shall deem proper, who shall have all the powers, privileges and emoluments, and be subject to all the duties, penalties and regulations, provided by the laws of this State for the office of constable, together with such other regulations as the council may ordain; and the jailor of Abbeville district shall be bound to receive and keep in custody, until discharged in due course of law, all persons arrested or committed by the lawful process or order of the council, or any member thereof. Power to appoint Constables.

X. For any wilful violation or neglect of duty, malpractice, abuse or oppression, the said Intendant and Wardens, severally, shall be liable to indictment in the court of sessions, and upon conviction, to punishment by fine, not exceeding two hundred dollars, and, at the discretion of the court, removal from office, besides being answerable for damages to any person injured. Penalty for neglect of duty.

XI. The limits of the corporation shall, until the second Monday of September next, be half a mile in every direction from the court-house in the said village: At the election on that day, all persons otherwise entitled to vote as before provided, who reside within a mile and a half of the court house, shall be permitted to vote: And the council, between that day and the first day of November following, shall designate and mark the exact limits, afterwards to be permanent, which shall at no place be more than a mile and a half, nor less than half a mile, from the said court house; and the council, at the same time, shall decide to which of the battalions in the Savannah regiment of Abbeville district, every particular portion of the South-east corner of the upper battalion, which may be without the designated limits, and East of the road from Abbeville to Edgefield, or not more than half a mile West of the said road, shall thereafter belong for road and militia duty; and a plat of the said limits, and of the lines which they may run and establish between the said battalions, as to the corner aforesaid, shall be returned by the council to the office of the clerk of Abbeville district, and there preserved. Limits.

XII. This Act shall be deemed and taken to be a public Act, and shall continue of force for two years, and until the end of the session then next following. Public Act.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

A. D. 1832.

No. 2579.

AN ACT regulating the Practice of the Court of Appeals.

(Passed December 20, 1832. See last volume.)

No. 2580.

AN ACT to incorporate the Medical College in South Carolina.

(Passed December 20, 1832. See last volume.)

No. 2581.

AN ACT TO INCORPORATE THE VILLAGE OF NEWBERRY.

Newberry  
incorporated.

Its limits.

Village shall be  
governed by  
Intendant and  
four Wardens.

How elected.

Oath.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons, citizens of the United States, who may now own, or may hereafter own, dwelling houses in the village of Newberry, and those that may occupy such dwelling houses under lease, shall be deemed, and are hereby declared, a body politic or corporate; and the said village shall be called and known by the name of NEWBERRY, and its limits shall be held and deemed to extend from the South-west corner of Patrick C. Caldwell's lot, extending along the street between the Baptist church lot and Job Johnston's lot, until it intersects the street at the South-eastern corner of Dr. Fair's lot; thence along that street, until it intersects the Black Jack road; thence along that road to the corner of the lot formerly owned by Robert McCullough; thence along the street until it intersects the street running from the beginning corner towards the North prong of Scotch creek; thence along that street to the beginning corner.

II. *And be it further enacted*, That the said village shall be governed by an Intendant and four Wardens, who shall be appointed in the first instance by the delegation of Newberry district, and shall continue in office until the second Monday in September next, on which day, as well as on the second Monday in September in every year thereafter, an election shall be held for an Intendant and four Wardens, (who shall always be freeholders within the limits of the said village,) at such place as the Intendant and Wardens shall designate, ten days notice being previously given; and that all free white male inhabitants of the said village, who shall have attained the age of twenty-one years, and have resided therein three months previous to the election, shall be entitled to vote for the said Intendant and Wardens; the election to be held from ten o'clock in the morning until three o'clock in the afternoon; and when the polls shall be closed, the managers shall count the votes and proclaim the election, and give notice thereof in writing to the persons elected; and that the intendant and wardens for the time being shall always appoint three managers to hold the ensuing elections; and the intendant and wardens, before entering on the duties of their offices, shall take the oath prescribed by the constitution of this State, and also the following oath, to wit; "as intendant, or warden, of Newberry, I will equally and impartially, to the best of my

skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purpose of my appointment. So help me God."

A. D. 1822.

III. *And be it further enacted*, That in case a vacancy shall occur in the office of intendant or warden, by death, resignation, removal from office, or absence from the State, an election shall be held by the appointment of the intendant and wardens, or wardens, as the case may be, ten days notice being given; and in case of the sickness or temporary absence of [the] intendant, the wardens forming a council shall be empowered to elect one of their number to act as intendant during the time.

Vacancies how filled.

IV. *And be it further enacted*, That the intendant and wardens, appointed or elected and qualified, shall, during their term of service, severally and respectively, be vested with all the powers of justices of the quorum of this State, within the aforesaid limits of the said village; and they shall have all the powers of commissioners of the roads of this State, to the extent of one mile in every direction from the court-house; and they shall have the sole power of granting tavern and retailing licences within the limits of the said village, and they shall pay over the monies received for the said licences to the commissioners of the roads of Newberry district; that the Intendant shall and may, (as often as occasion may require,) summon the Wardens to meet him in council, a majority of whom shall constitute a quorum for the transaction of business, and shall be known by the name of "the Town Council of Newberry;" and they, and their successors in office, may have a common seal; and shall have power and authority, from time to time to appoint such and so many persons to act as constables, within the said jurisdiction, according to law, as they may deem expedient; which constables shall have all the powers, privileges and emoluments, and be subject to all the duties, penalties and regulations, provided by the laws of the State for the office of constable.

Intendant and Wardens have powers of Justices, &amp;c.

V. *And be it further enacted*, That it shall be the duty of the said intendant and wardens to keep all roads, streets and alleys within the said limits of one mile, open and in good repair, for which purpose they are invested with the powers of commissioners of the roads as aforesaid, and for neglect of duty they shall be liable to the penalties imposed by law on commissioners of roads for like neglect; and the said intendant and wardens shall have power to compound with persons liable to work on the said roads, street and alleys, to release such persons as may desire it, upon payment of such sum of money as they may deem a fair equivalent therefor, to be applied by them to the use of the said corporation; and no person residing within the said limits of one mile shall be liable to work on any road without the limits of one mile as aforesaid, or to be taxed or assessed for the same.

Powers of Commissioners of roads granted.

VI. *And be it further enacted*, That the said Intendant and Wardens shall have power to abate and remove nuisances within the said corporate limits; and the said Intendant and Wardens shall, collectively or severally, have cognizance within the said corporate limits, in all criminal cases, as justices of the peace and quorum have according to law.


To remove nuisances.

VII. *And be it further enacted* That the said Intendant and Wardens shall have power to classify and arrange the inhabitants residing in the said limits, liable to patrol duty, and to require them to perform such duty as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now or may be hereafter established by law.

Regulating patrol.

VIII. *And be it further enacted*, That this Act shall be taken and deemed as a public Act, in all the courts of justice, and shall continue in force for

Limitation of this Act.

A. D. 1832.  three years, and until the end of the next session of the Legislature thereafter.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2582.

# AN ACT TO INCORPORATE THE VILLAGE OF PENDLETON.

Pendleton  
incorporated.

I. *Be it enacted*, by the Senate and House of Representatives, That all persons, citizens of the United States, who now own, or may hereafter own, dwelling houses in the village of Pendleton, or those who may occupy such dwelling houses under lease, shall be deemed, and are hereby declared, a body politic and corporate; and the said village shall be called and known by the name of PENDLETON, and its limits shall be held and deemed to extend for one mile in every direction from the Farmer's Hall.

To be govern-  
ed by an inten-  
dant and four  
wardens.

II. *And be it further enacted*, That the said village shall be governed by an intendant and four wardens, who shall be appointed, in the first instance, by the delegation of Pendleton district, and shall continue in office until the second Monday in September next, on which day, as well as on the second Monday in September of every year thereafter, an election shall be held for an intendant and four wardens, (who shall always be freeholders within the limits of the said village,) at such place as the intendant and wardens shall designate, ten days notice being previously given; and that all free white male inhabitants of the said village, who have attained the age of twenty-one years, and have resided therein three months previous to the election, shall be entitled to vote for the said intendant and wardens; the election to be held from ten o'clock in the morning until two o'clock in the afternoon; and when the poll shall be closed the managers shall proclaim the election, and give notice thereof in writing to the persons elected; and that the intendant and wardens for the time being shall always appoint three managers to hold the ensuing election; that the intendant and wardens, before entering upon the duties of their offices, shall take the oath prescribed by the constitution of this State, and also the following oath, to wit: "As intendant, or warden, of Pendleton, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes of my appointment. So help me God."

How elected.

Oath.

Vacancies,  
how filled.

III. *And be it further enacted*, That in case a vacancy shall occur in the office of intendant or warden, by death, resignation, removal from office, or absence from the State, an election shall be held by the appointment of the intendant and wardens, or wardens, as the case may be, ten days previous notice being given; and in case of the sickness or temporary absence of the intendant, the wardens forming a council shall be empowered to elect one of themselves to act as intendant during the time.

IV. *And be it further enacted*, That the intendant and wardens, duly elected and qualified, shall, during their term of service, severally and respectively, be vested with all the powers of justices of the quorum of this State, within the limits of the said village. That the intendant shall, as often as occasion may require, summon the wardens to meet him in council, a majority of whom shall constitute a quorum for the transaction of business, and shall be known by the name of the "Town Council of Pendleton;" and they, and their successors in office, shall have a common seal; and shall have power and authority to appoint, from time to time, such and so many proper persons to act as constables as they shall deem expedient and proper; which constables shall have all the powers, privileges and emoluments, and be subject to all the duties, penalties and regulations, provided by the laws of this State for the office of constable; and the intendant and wardens in council shall have power, under their corporate seal, to ordain and establish all such rules, by-laws and ordinances, respecting the streets, ways, markets and police of said village, as shall appear to them proper for the security, welfare and convenience of said village, and for preserving health, peace, order, and good government within the same; and the said council may affix fines for offences against such by-laws and ordinances, and appropriate them to the use of the corporation; but no fine shall exceed fifty dollars; and when fines shall exceed ten dollars, they may be recovered in the court of sessions for Anderson district; and when they are of the amount of ten dollars or under, they may be recovered before the intendant and wardens; *provided*, nothing herein contained shall empower the said council to ordain or establish any by-laws or ordinances inconsistent with or repugnant to the laws of this State; and all such by-laws and ordinances shall at all times be subject to the revisal or repeal of the Legislature.

A. D. 1832.

Shall have the powers of justices of quorum.

May affix fines not exceeding \$50.

V. *And be it further enacted*, That the said intendant and wardens shall have power to abate and remove nuisances within the said limits, and to classify and arrange the inhabitants liable to do patrol duty, and to require them to perform such duty as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now or may be hereafter established by law; and that the said intendant and wardens, or any one of them, upon view thereof, or upon complaint lodged on oath, are hereby required and authorized to issue warrants against all offenders, and cause them to be brought before them or him, and upon due examination, shall either release, admit to bail, if the offence be bailable, or commit to gaol, such offenders, as the case may require; and the sheriff of Anderson district is hereby required to receive and keep the persons so committed, until discharged by due course of law; and that the said intendant and wardens shall collectively and severally have cognizance, within the said corporate limits, in all criminal cases, as justices of the peace and quorum have, according to law.

Shall have power to remove nuisances, appoint patrols, &c.

VI. *And be it further enacted* by the authority aforesaid, That the said intendant and wardens shall have the full and only power of granting licenses for billiard tables, to keep taverns, or retail spirituous liquors, within the said limits, which licences shall be granted in the same manner, and upon the same conditions as they are now granted by commissioners of roads, under the laws of this State; and all the powers vested in commissioners of the roads are hereby granted to the said intendant and wardens, within the said limits; and it shall be the duty of the said intendant and wardens to keep all roads, streets and alleys, within the said limits, open and in good repair; and that all monies paid for licences for

Sole power of granting licenses.

Powers of Commissioners of Roads.

A. D. 1832. *retailing spirituous liquors, keeping taverns and billiard tables, within the said limits, shall be paid over to the commissioners of roads, as heretofore directed by law; and for neglect of duty, the intendant and wardens shall be liable to the penalties imposed by law on commissioners of the roads for like neglect.*

Shall have power to compound with persons liable to do road duty. VII. *And be it further enacted,* That the said intendant and wardens shall have power to compound with persons liable to work on said roads, streets and alleys, to release such persons as may desire it, upon the payment of such sum of money as they may deem a fair equivalent therefor, to be applied by them to the use of the said corporation; and no person residing within said limits shall be liable to work on any road without said limits, or be taxed or be assessed for the same.

How long to remain in force. VIII. *And be it further enacted,* That this Act shall be taken and deemed as a public Act in all courts of justice, and shall continue in force for seven years, and until the end of the next session of the Legislature thereafter.

In the Senate House, this twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and the fifty-seventh year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2583. AN ACT TO ENLARGE AND EXTEND THE POWERS OF THE GOVERNOR AND OF THE CITY COUNCIL OF CHARLESTON OVER QUARANTINE; AND FOR OTHER PURPOSES.

Authorizing Governor or city council of Charleston to regulate quarantine. I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor of the State, and the city council of Charleston at all times when the Governor shall be absent from Charleston, shall have full power to establish and regulate the quarantine to be performed by all vessels arriving within the harbor of Charleston; and, for that purpose, shall be empowered to make and ordain all such orders, rules and regulations relating to the said quarantine, as may be deemed necessary from time to time by the Governor, and in case of his absence from the city, by the city council of Charleston, for the safety of the public, and the security of the health of the city. Which orders, rules and regulations, shall and may extend to all such vessels and their cargoes, and to all persons arriving in said vessels with their effects, and to such persons as may go on board of such vessels after their arrival in the harbor of Charleston; and also, to every matter or thing relating to or connected with such vessels, their cargoes, crews or passengers, or to any person going on board or returning from such vessels; and such orders, rules and regulations, so as aforesaid established, made and ordained, shall be obeyed by all persons, and shall continue to be in force from and after the time when the same shall have been published in two newspapers printed in the city of Charleston, until the same are altered or repealed by the said Governor of this State, or in his absence from the city, by the said city council; and every person who shall knowingly or wilfully violate, offend against, or disobey, any such rules, orders or regulations, so as aforesaid

made, established and ordained, by the Governor of the State, or in case of his absence from the city, by the city council of Charleston, shall, upon being convicted thereof upon indictment, in the court of general sessions, be imprisoned for a period not exceeding twelve months, and be fined in a sum not exceeding two thousand dollars, for each and every such offence. A. D. 1832.

II. *And be it further enacted*, That the Governor of the State, and in his absence from the city, the city council of Charleston, shall have power, at all times, to cause any vessel arriving in the harbor of Charleston, which is foul and infected, or whose cargo is foul and infected, with any malignant or contagious disease, to be removed, or placed upon such quarantine ground as may be designated by the Governor or the city council, as the case may be, and the same to be thoroughly cleansed and purified, at the expense and charge of the owners, consignees or possessors of the same; and also cause all persons arriving in or going on board of such infected vessel, or handling such infected cargo, to be removed to such place as may be designated by the Governor or city council, there to remain under the orders of the Governor or city council; all expenses incurred on account of the aforesaid quarantine rules, orders and regulations, shall be paid by the persons on whose account they are so incurred. Infected vessels to be cleansed.

III. *Be it further enacted*, That the powers and authority by this Act vested in the Governor and city council, to establish and regulate quarantine, shall extend to all vessels stranded or wrecked on any part of the sea coast and islands within twenty miles of the city of Charleston, their cargoes, passengers and crews; and to all persons going on board or returning from vessels so stranded or wrecked. Quarantine regulations to extend to wrecked vessels.

IV. *And be it further enacted*, That the Governor of the State, and in his absence the city council of Charleston, shall have full power and authority to order any vessel arriving within the harbor of Charleston, with a malignant or contagious disease or distemper on board any such vessel, or with the crew or passengers infected with the same, to depart the State, at such time and upon such notice as the Governor or city council shall think proper and most consistent with the safety and health of the said city of Charleston. Infected vessels to leave the State.

V. *And be it further enacted*, That all fines and forfeitures and penalties, now provided by the laws of the State for the violation of the quarantine laws, or disobedience of the orders of the Governor establishing quarantine regulations under any Acts of the General Assembly of this State, shall be recovered by indictment in the court of Sessions; and all persons offending against the same, upon conviction, shall be liable to imprisonment not exceeding twelve months, in addition to such fines, forfeitures and penalties. Penalties for violation of quarantine.

VI. *Be it further enacted*, That all laws of the State, investing the Governor with power and means to enforce the observance of the quarantine, shall extend to the enforcement of such rules and regulations as shall be made and established for quarantine purposes, under the authority of this Act. Authorizing vessels to be fired upon.

VII. *Be it further enacted*, That any vessel which shall be restrained under quarantine laws, and shall attempt to violate the same, may be fired upon and detained by force of arms.

VIII. *And be it further enacted*, That any Pilot who shall bring or attempt to bring into any port in this State, any vessel, or the whole or any part of the crew, passengers or cargo, beyond the places appointed for her examination, without such vessel being examined according to law, shall, in addition to the penalty of one hundred pounds sterling, to which such Pilot is now subjected by the laws of the State, be deprived of his Branch as a Pilot. Penalty for violation by Pilots.

A. D. 1832.

Powers granted to council of Beaufort and Georgetown.

*IX. And be it further enacted,* That all the powers and authority by this Act given to the Governor and city council of Charleston, be, and the same are hereby, vested in the Intendant and Wardens of the Towns of Beaufort and Georgetown, respectively, in case of vessels arriving in the harbors of either of the said Towns, or arriving or being wrecked or stranded on the sea coast or islands within twenty miles of the said Towns of Beaufort and Georgetown.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2584. AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-TWO.

*I. Be it enacted* by the Senate and House of Representatives, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, for the use and service thereof; that is to say, thirty cents ad valorem on every hundred dollars of the value, on all lands granted in this State; the sum of sixty cents per head on all slaves of every description; and the sum of two dollars on all free negroes, mulattoes, and mestizoes, between the ages of fifteen and fifty; (except such as shall be clearly proved, to the satisfaction of the collectors, to be incapable, from maims or otherwise, of providing a livelihood,) and thirty cents on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough; including all lots, and portions of land, on which buildings may be erected, in the immediate vicinity of any city, town, village or borough, which may have been made, or shall hereafter be made, with a view to a city, town, village, or borough settlement, or shall ordinarily be regarded as forming a part of any city, town, village, or borough in this State; and sixty cents per hundred dollars, on factorage employment, faculties and professions, whether in the profession of the law the profits be derived from costs of suit, fees, or other sources of professional income, and on the amount of commissions received by vendue-masters and commission merchants, (clergymen, schoolmasters, schoolmistresses and mechanics, excepted;) to be ascertained and rated by the assessors and collectors throughout this State, according to the best of their knowledge and information; to be paid in specie, paper medium, or the notes of the specie paying banks of this State.

Tax to be raised on lands, negroes, &c. to be paid in notes of the incorporated Banks of this State, &c.

Faculties and Professions.

Tax collectors must issue executions.

*II. And be it further enacted,* That the tax collectors of this State are authorized and required to issue their executions against all such free negroes, mulattoes, and mestizoes, as shall neglect or refuse to pay the tax imposed by this Act, directed to the sheriffs of the said State, requiring them to sell, for a term not exceeding one year, the services of said free negroes, mulattoes, or mestizoes, to meet the payment of the tax imposed; *provided*, that the sheriff shall not sell the services of any free negro, mulattoe, or mestizoe, for a longer term than shall be necessary to pay and discharge the taxes due.

III. *And be it further enacted*, That any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay, for the use of the State, a double tax on the same; but this clause shall not be construed to extend to any person sent, or hereafter to be sent, abroad in the service of the State, or the United States, until one year after the expiration of his commission.

A. D. 1832.

Absentees double taxed.

IV. *And be it further enacted*, That all persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of five dollars per day, before making such exhibitions; which shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay the same over into the public treasury annually; and in case of non-payment, the clerk of the court, or any justice of the peace or quorum, is hereby authorized and required to issue an execution, for double the amount of the tax, directed to any sheriff or constable of the district, against the body or goods of the person or persons liable to pay the said tax; provided, that nothing herein contained shall be construed to extend to any incorporated town or city.

Tax on plays and shows.

V. *And be it further enacted*, That sixty cents shall be levied on every hundred dollars worth of goods, wares and merchandize, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States, or territories thereof, excepted,) which any person shall use or employ as articles of trade, or for sale, barter or exchange, or have in his, her or their possession, on the first day of January, in the year of our Lord one thousand eight hundred and thirty-three, either on his, her or their own account, or purchased by his, her or their own capital, or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; to be assessed by the assessors and collectors throughout this State, according to the best of their knowledge and information; and every person or persons making return of such goods, wares or merchandize, to a tax collector, shall take the following oath or affirmation; "I, A. B. do solemnly swear, (or affirm) that the return which I now make, is, to the best of my knowledge and belief, a just and true return of the amount and value of all goods, wares and merchandize, (the products of this State, and the unmanufactured products of any of the United States, or territories thereof, excepted,) which I held in my possession on the first day of January, one thousand eight hundred and thirty-three, for sale, barter or exchange, either on my own account, or upon borrowed capital, or on account of others, as agent, attorney or consignee. So help me God."

Tax on stock in trade.

Oath.

VI. *And be it further enacted*, That if any tax collector shall refuse or neglect to make his return, and pay the taxes, within the time prescribed by law, which have been received by him, it shall be the duty of the treasurer, within whose division such default shall be made, in addition to the coercive power which he now possesses, to charge the said collector with interest, at the rate of five per cent per month, from the time he ought to have made such return and paid the taxes, to the time of settlement.

Defaulting collectors to pay 5 per cent a month.

VII. *And be it further enacted*, That it shall be the duty of any sheriff or coroner in whose hands a tax execution shall be placed by a tax collector, to collect and pay over the amount for which such execution shall issue, to the treasurer within whose division he may reside, within six months from the time he shall receive the same; and in default thereof, it shall be the duty of the treasurer to issue execution against such sheriff

Treasurer to issue executions against Sheriff and Coroners.

A. D. 1832.

or coroner, for the whole amount expressed in such execution, with interest thereon, at the rate of five per cent. per month, from the time he should have paid the same: *Provided*, the sheriffs and coroners be allowed credit for nulla bona executions, as heretofore.

Information to  
be given of  
property sold.

VIII. *And be it further enacted*, That it shall be the duty of every taxable inhabitant of this State, who has, since the first day of October, one thousand eight hundred and thirty-one, and prior to the first day of October last, sold or transferred the possession of any real or personal property liable to tax, (except stock in trade) to give information, at the time of making his next return, of such sale or transfer, and the name of the person to whom sold or transferred, to the tax collector of the district in which he may reside, to the end that the tax collector may be better enabled to collect the public dues.

Tax on persons  
who sell  
Lottery tickets.

IX. *And be it further enacted*, That after the passing of this Act no person shall open or keep any office for the sale of lottery tickets, in any other lottery than such as may be authorized by the laws of this State, unless such person shall have first paid to the tax collector of the parish or district a tax of two thousand dollars for such privilege; and if any person shall open or keep any office for the sale of lottery tickets, or shall sell, or offer for sale, any lottery tickets, without having paid such tax, such person, on conviction thereof by indictment, shall forfeit and pay ten thousand dollars; and it shall be the duty of the tax collector of the district or parish in which such office shall be kept, or in which such lottery tickets shall be sold, or offered for sale, to prosecute all persons who shall offend against the provisions of this Act.

Appropriations  
to be paid.

X. *And be it further enacted*, That the treasurer of each division be, and he is hereby, authorized and required to pay quarterly, at the end of each quarter, all appropriations made for and on account of any officer of this State, or other appropriation, within his division; except the officers of each branch of the Legislature, who shall be paid by the treasurer of the upper division, at the end of the session of the Legislature; and except the pay bills of the members of the Legislature, which shall be paid on presentment at either of the treasuries; and except the officers of the South Carolina College, who shall be paid as heretofore, under their contract with the Board of Trustees, quarterly in advance; and it shall be the duty of either of the treasurers, whenever he shall make any payment, to take a duplicate receipt, and forward the same to the comptroller-general, with his monthly report.

Goods of trans-  
ient persons  
taxed.

XI. *And be it further enacted*, That if any transient person or persons not resident in this State, shall at any time sell, or expose to sale, any goods, wares or merchandize, in any house, stall or public place, after the first day of January in each year, such person shall make return upon oath, within ten days after commencing to sell as aforesaid, of the whole amount of the stock in trade he may have possessed at the time, to the tax collector of the district or parish in which the said goods, wares or merchandize shall have been or may be sold or exposed to sale; and if any person shall neglect or refuse to make such return as aforesaid, within the time prescribed above, he shall, on conviction thereof by indictment, forfeit and pay the sum of not more than one thousand dollars; unless such person shall have paid for and procured a license according to the provisions of an Act entitled "An Act to increase the price of license to hawkers and peddlars."

Said tax to be  
collected with-  
in five days.

XII. *And be it further enacted*, That it shall be the duty of the tax collectors to proceed to collect, from such persons so selling as aforesaid, the tax required by law to be paid on stock in trade, within five days after receiving such return.

XIII. *And be it further enacted*, That if any tax collector shall fail or neglect to require a return, on oath, of any person liable to the payment of taxes for the use of the said State, for his or her taxable property, as provided by law, such tax collector shall be liable to a penalty of two hundred dollars, to be recovered by indictment in any court of sessions; one half of which shall be paid into the public treasury, for the use of the said State, and the remainder to the person who shall give information of such neglect and prosecute for the same. A. D. 1832.  
Penalty on tax collectors for not making returns.

XIV. *And be it further enacted*, That a tax of two per cent shall be paid upon all dividends arising from stock owned by any citizen of this State, in all Banks not chartered by this State, (except the Bank of the United States,) whether the said stock be within this State or not. Tax on Bank stock.

XV. *And be it further enacted*, That it shall be the duty of every tax collector to give public notice of the day when he intends to close his books. Collectors to give notice.

XVI. *And be it further enacted*, That the Solicitor of the western circuit be, and he is hereby, instructed, on being satisfied that Henry Shultz has paid into the treasury of this State the sum of sixteen thousand two hundred and twenty-five dollars, to convey to the said Henry Shultz, or to such person as he shall direct, for his own use and benefit, all the right and title which the State has in and to the Town of Hamburg. And the Comptroller-general is hereby authorized and required, on the payment into the treasury of the said sum of sixteen thousand two hundred and twenty-five dollars, by or for the said Henry Shultz, to release him from all pecuniary obligations to the State, heretofore incurred on his own account; *Provided however*, that this arrangement shall be made and completed within the term of one year from this date; *And provided also*, that the State shall henceforth be exempt from any liability or obligation to the said Henry Shultz, or any other person, for or on account of the Town of Hamburg. Solicitors to convey the town of Hamburg to Henry Shultz.

XVII. *And be it further enacted*, That Francis H. Wardlaw and N. L. Griffin, Commissioners, be authorized to make titles for any such lots in the Town of Hamburg, as Mr. Shultz shall think proper to sell, for the purpose of raising the foregoing amount of sixteen thousand two hundred and twenty-five dollars, and they will report generally upon this subject, at the next session of the Legislature. Commissioners for the sale of lots in Hamburg.

XVIII. *And be it further enacted* by the authority aforesaid, That the President and Directors of the Bank of the State of South Carolina shall be, and they are hereby, authorized and empowered to sell, for ready money, after due notice in some of the Gazettes of the City of Charleston, a sum not exceeding three hundred thousand dollars of Stock of this State, bearing an interest of five per cent, at such times, and in such sums, and at such places, as they may think advisable; *provided*, that the same be not at any time sold under par. Sale of Stock of the Bank of the State of So. Carolina.

XIX. *Be it enacted* by the authority aforesaid, That the Treasurer of the lower division, under the direction of the Governor of the State, shall, from time to time, as he may be called on by the Bank of the State, make out certificates of stock, bearing an interest of five per cent, payable quarter yearly, in the name of such persons, and for such sums, as the President and Directors of the said Bank, by resolution of the Board thereof, may require, not exceeding in the whole the sum of three hundred thousand dollars; and it shall be the duty of the Treasurer of the lower division to conduct the business in relation to the stock hereby directed to be issued, in the same manner as he now does the stock issued under the Acts of 1820 and 1822. Treasurer of lower division to make out certificates of Bank Stock.

A. D. 1832.

An Act con-  
cerning the  
State Bank, re-  
pealed.

XX. *Be it further enacted* by the authority aforesaid, That the eighth section of the Act entitled "An Act concerning the Bank of the State of South Carolina," be, and the same is hereby, repealed, and the Stock Books be returned to the office of the Treasurer of the lower division, and by him be kept as heretofore.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

No. 2585. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-TWO; AND FOR OTHER PURPOSES.

I. *Be it enacted* by the honorable the Senate and House of Representatives, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the public officers, and for other expenses and purposes of Government :

For the salary of the Governor, three thousand five hundred dollars.

For the rent of the Governor's house in Columbia, three hundred dollars.

For the private Secretary of the Governor, five hundred dollars.

For the Messenger of the Governor, two hundred and fifty dollars.

For the salary of two Judges of the Court of Appeals, each three thousand dollars.

For the salary of one judge of the Court of Appeals, three thousand five hundred dollars.

For the salary of one Chancellor, three thousand five hundred dollars.

For the salary of one other Chancellor, three thousand dollars.

For the salary of one Judge of the Court of Common Pleas, two thousand five hundred and seventy-two dollars.

For the salaries of two Circuit Judges, each three thousand five hundred dollars.

For the salaries of two Circuit Judges, each two thousand five hundred dollars.

For the salary of the State Reporter, fifteen hundred dollars : Provided, that only one half that amount be paid to him, unless the said reporter shall print and publish the decisions of the Appeal Court, made during the time he shall act as such reporter, within twelve months after such decisions shall be made.

For the salary of the Attorney-General, nine hundred dollars.

For the salaries of the Circuit Solicitors, each seven hundred dollars.

For the salary of the Messenger of the Court of Appeals in Charleston, one hundred and fifty dollars.

For the Messenger of the same Court in Columbia, one hundred and fifty dollars.

For the pay of the Members of the Legislature, and of the Solicitors, during the present session, eighteen thousand dollars, if so much be necessary.

A. D. 1832.

For the salaries of the Clerks of the Senate and House of Representatives, each one thousand dollars, to be paid at the adjournment of the Legislature.

For the salaries of two Messengers and two Doorkeepers, each two hundred dollars, to be paid at the adjournment of the Legislature.

For the salary of the Librarian of the Legislature, one hundred dollars.

For the salary of the keeper of the State House in Columbia, one hundred and thirty dollars.

For the salary of the Comptroller-general, fifteen hundred dollars.

For the salary of the clerk of the Comptroller-general, to be appointed by him and removable at his pleasure, seven hundred and fifty dollars.

For the salary of the Treasurer of the lower division, and for transacting the business of the loan office, and for clerks, two thousand dollars.

For the salary of the Treasurer of the upper division, including clerk's hire, sixteen hundred dollars.

For the salary of the President of the South Carolina College, three thousand dollars.

For the salaries of the Professor of Metaphysics, Moral Philosophy and the Evidences of Christianity, of the Professor of Mathematics, of the Professor of the Elements of Criticism, Logic and the Philosophy of Languages, and of the Professor of Languages, each two thousand dollars.

For the assistant Professor of Chemistry, one thousand dollars.

For the salary of one Tutor, one thousand dollars.

For the salary of the Treasurer and Librarian of the College, four hundred dollars. And the salaries of the President, Professors and Tutor, shall be paid by the treasurer of the upper division, quarterly in advance, their drafts being countersigned by the Treasurer of the College.

For the commons and other incidental expenses of one student in the College, from the Orphan House in Charleston, two hundred and sixty dollars; to be paid to the Cashier of the Branch Bank at Columbia, for the use of such student.

For the salary of the Adjutant and Inspector General, fifteen hundred dollars.

For the salary of the Arsenal keeper and Powder receiver in Charleston, four hundred and fifty dollars.

For the salary of the Arsenal keeper and Powder receiver in Abbeville, two hundred dollars.

For the salary of the Arsenal keeper and powder receiver in Beaufort, two hundred dollars.

For the pay of the Physician of the magazine guard and gaol in Charleston, four hundred dollars.

For the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars.

For the payment of pensions and annuities, twenty thousand dollars, if so much be necessary.

For the payment of the contingent accounts of the lower division, eight thousand dollars, if so much be necessary.

For the payment of the contingent accounts of the upper division, eleven thousand dollars, if so much be necessary.

For the contingent fund, subject to the draft of the Governor, of the

A. D. 1832.

expenditure of which he shall submit an account annually to the Legislature, two hundred thousand dollars.

For the support of free schools, thirty-seven thousand dollars, if so much be necessary.

For the support of the transient poor of Charleston, payable to the city council, four thousand five hundred dollars, and the city council shall account to the Legislature for the expenditure thereof.

For the support of the transient poor of Georgetown, four hundred dollars, to be expended by the commissioners of the poor of Prince George Winyaw, who shall publish annually, in the nearest Gazette, the names of the transient poor, and the sums paid to each, and return, annually, on oath, to the comptroller-general, an account of their expenditures, to be submitted to the Legislature.

For the payment of claims, according to the reports of the committees on claims, agreed on and adopted at the present session, two thousand dollars, if so much be necessary.

For the salaries of the reading clerks of the Senate and of the House of Representatives, each one hundred and fifty dollars, to be paid at the end of the session.

For the Assessor of St. Philip's and St. Michael's, eight hundred dollars.

For the salary of the Pilot of the bar and harbor of Georgetown, three hundred and twenty dollars.

For the city council of Charleston, for the execution of the quarantine laws, one thousand dollars.

For insuring the buildings of the South Carolina College, five hundred dollars, if so much be necessary.

For public buildings, ten thousand dollars, if so much be necessary.

For the re-payment of double taxes, ordered to be refunded by both branches of the Legislature, four hundred dollars, if so much be necessary.

Clerks of the Court of Appeals to draw salaries quarterly.

II. *And be it further enacted*, That the clerks of the court of appeals of Charleston and Columbia, be, and they are hereby, authorized to draw their salaries quarterly, at the end of each quarter; the clerk at Columbia, from the treasurer of the upper division, and the clerk at Charleston, from the treasurer of the lower division, and that the sum of six hundred dollars be appropriated for that purpose.

For the salary of the keeper of the magazine in Georgetown, to be appointed and paid by order of the Governor, one hundred and fifty dollars.

For the salary of the Superintendant of public works, twelve hundred dollars.

Academy of Fine Arts exempt from tax.

III. *Be it further enacted*, That the execution for double taxes against the Academy of Fine Arts be withdrawn, and that the said Academy be hereafter exempt from all taxation by the State.

Comptroller authorized to settle with Jno. Sims.

IV. *And be it further enacted*, That the Comptroller general be, and he is hereby, authorized to settle with John Sims, upon equitable principles, and to allow him in the settlement interest upon such sums as were left in the treasury to meet the demand of the State against him.

For Waddy Thompson, jr., as compensation for his services as Commissioner of the Town of Hamburg for two years, six hundred dollars.

For N. L. Griffin, for his services as Commissioner of the Town of Hamburg, two hundred dollars.

For Thomas Harrison, the Comptroller-general, in addition to the

amount retained for the payment of his expenses in attending to the claims of the State in the city of Washington, twelve hundred and eighty dollars. A. D. 1832.

V. *And be it further enacted*, That the sum of ninety-six dollars and ninety cents, be refunded to Augustus and Mary Flud, for a double tax improperly demanded of them. Double tax to be refunded.

VI. *Be it further enacted*, That the sum of two hundred thousand dollars be, and the same is hereby, appropriated, for the purchase of arms, ordnance and ammunition, and for the support of the citadel and magazine guard, to be expended by the Governor of the State, if in his opinion such expenditure be necessary. Appropriation for the purchase of arms and munition.

VII. *And be it further enacted*, That the treasurer of the lower division be directed to pay over to the legal representatives of Dennis Gilmore, tax collector of St. James Goose Creek, the sum of sixty-three dollars eighty-eight cents, the balance of commissions due him at the time of his death.

For A. S. Johnston, Printer of the House of Representatives, for printing done at this session, thirteen hundred dollars.

For Miller & Branthwaite, printers for the Senate, seventeen hundred dollars, for printing for the Senate, and for printing the Acts, the journals of both Houses, and Resolutions of the Legislature, with the Governor's Message, in pamphlet form; *provided*, that the pamphlets be printed and deposited in the office of Secretary of State at Columbia, on or before the fifteenth day of February next; otherwise only one thousand dollars.

For J. Ladson Gregorie, one hundred dollars, in payment for services as clerk to commissioners appointed by the Legislature to take evidence in a contested election.

For the city council of Charleston, to indemnify them for money expended in behalf of the passengers and crew of the brig Amelia, wrecked on Folly Island, with malignant cholera on board, to be paid to the intendant of said city, or his order, five thousand three hundred dollars.

For Laurens Ryan, administrator of James Ryan, deceased, seventy-one dollars and forty-six cents, for costs due by the State.

For Spencer J. McMorris, seventeen dollars and sixty-two cents, for printing for the court of Appeals.

For Wm. J. Grant, three hundred dollars, according to the provisions of the Resolutions agreed to by both branches of the Legislature.

For A. S. Johnston, twenty-two dollars and eighty-seven cents, for printing for the court of Appeals.

For repairs to gun carriages, as passed by both Houses during the present session of the Legislature, two hundred dollars, if so much be necessary.

For A. S. Johnston, for extra printing done for the House of Representatives, thirty-eight dollars.

For medical accounts, as agreed to by both branches of the Legislature, two hundred dollars.

For James Williams and others, the heirs of Colonel James Williams, deceased, for his revolutionary services, four thousand dollars.

VIII. *And be it further enacted*, That the sum of one hundred and ninety-two dollars, be appropriated to pay the witnesses in the case of the contested election of the Hon. John N. Davis.

And, that two hundred and thirty-seven dollars be appropriated to pay Miller & Branthwaite's account, for printing for the Senate during the extra session.

IX. *And be it further enacted*, That Hugh Archer, late clerk of the court  
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of General Sessions, and now one of the commissioners of public buildings of Beaufort district, pay over to Rene Bretaudeau and Edward Brassac, each two hundred and fifty dollars, being the amount collected by him under their recognizance as securities for Prosper Le Cerf, which was estreated by order of the court of General Sessions of said district.

For the completion of the contract for Granite Locks, at Graves's Shoals, as heretofore authorized by the Legislature, ten thousand dollars.

For the extra work on Elliott's Cutt, ordered under the sanction of the Legislature; one thousand eight hundred and ninety-two dollars, twenty cents.

To defray the expenses of a survey within the limits of this State, with a view to the location of a Rail Road, for the connection of the Atlantic and Western Waters, by a Company hereafter to be established and chartered, the sum of one thousand dollars, if so much be necessary, subject to the order of the persons named, and restrictions provided, as agreed to by both Houses, at the present session.

For the purpose of defraying the expenses, of a Ferry at Elliott's Cut, one hundred and fifty dollars, subject to the order of the Board of Commissioners of the roads for the parish of St. Andrew.

X. *And be it further enacted*, That the amount appropriated by this Act, for the contingent fund, shall be drawn from the Treasury, and if the balances in the Treasury be insufficient, then from the Sinking Fund, if available.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

#### No. 2586. AN ACT concerning the South Carolina Canal and Rail Road Company.

(Passed December 20, 1832. *See last volume.*)

#### No. 2587. AN ACT CONCERNING MARRIAGE SETTLEMENTS AND PAROL GIFTS.

**Preamble.** WHEREAS, the Act of the Legislature, passed on the twentieth December, one thousand eight hundred and twenty-three, requiring marriage settlements to be recorded in the office of the Register of Mesne Conveyances, of the district where the parties reside, within three months, has not been generally known, and many fair settlements have not been so recorded, and are therefore liable to be avoided, to the great injury of the wife, and parties interested therein: to remedy which evil,

**Marriage settlements made valid.** I. *Be it enacted*, That marriage settlements of the wife's property, executed since the said twentieth December, one thousand eight hundred and twenty-three, and not recorded, shall be regarded as valid between the parties themselves; and where any such settlement has already been

recorded, or within six months from the passing of this Act shall be recorded in the offices of Secretary of State and of the Register of Mesne Conveyances, of the district where the party whose property is settled resided at the time of executing such settlement, the same shall be valid against the debts, sales and mortgages of the husband, which shall be contracted, made or executed after the ratification of this Act; any thing in the said Act, ratified the twentieth December, one thousand eight hundred and twenty-three, to the contrary notwithstanding. A. D. 1833.

II. No parol gift of any chattel, shall be valid against subsequent creditors or purchasers or mortgagees, except where the donee shall live separate and apart from the donor, and actual possession shall, at the time of the gift, be delivered to and remain and continue in the donee, his or her executors, administrators or assigns. Parol gifts.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of American Independence.

H. DEAS, *President of the Senate.*

H. L. PINCKNEY, *Speaker of the House of Representatives.*

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#### AN ORDINANCE.

No. 2588.

(Repealing the Ordinance of November 24, 1832. Passed in *Convention*, March 15, 1833. See vol. 1, 390.)

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AN ORDINANCE to Nullify an Act of the Congress of the United States, entitled "An Act further to provide for the Collection of Duties on imports," commonly called the Force Bill. No. 2589.

(Passed in *Convention*, March 18, 1833. See vol. 1, 401.)

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AN ACT to establish certain Roads, Bridges and Ferries.

No. 2590.

(Passed December 19, 1833. See last volume.)

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AN ACT to Incorporate the Dockon and Wappahoola Rail Road Company. No. 2591.

(Passed December 19, 1833. See last volume.)

A. D. 1833.

No. 2592. AN ACT TO ALTER THE TENURE OF THE ORDINARY'S OFFICE, AND TO PROVIDE FOR HIS GIVING SECURITY.

Ordinary to hold his office for four years, and bond to be given.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the ordinaries of the several districts in this State, who may be hereafter elected, shall hold their offices respectively for and during the term of four years; and shall, before entering upon the duties of their respective offices, give their respective bonds and securities to the State of South Carolina in the sums following, that is to say; the ordinary for Charleston district, in the sum of fifteen thousand dollars; the ordinary for Colleton district, in the sum of five thousand dollars; the ordinary for Beaufort district, in the sum of five thousand dollars; the ordinary for Barnwell district, in the sum of five thousand dollars; the ordinary for Edgefield district, in the sum of ten thousand dollars; the ordinary for Abbeville district, in the sum of ten thousand dollars; the ordinary for Anderson district, in the sum of eight thousand dollars; the ordinary for Pickens district, in the sum of eight thousand dollars; the ordinary for Greenville district, in the sum of five thousand dollars; the ordinary for Laurens district, in the sum of ten thousand dollars; the ordinary for Newberry district, in the sum of five thousand dollars; the ordinary for Lexington district, in the sum of five thousand dollars; the ordinary for Orangeburg district, in the sum of five thousand dollars; the ordinary for Spartanburg district, in the sum of five thousand dollars; the ordinary for Union district, in the sum of eight thousand dollars; the ordinary for York district, in the sum of five thousand dollars; the ordinary for Chester district, in the sum of ten thousand dollars; the ordinary for Fairfield district, in the sum of ten thousand dollars; the ordinary for Richland district, in the sum of five thousand dollars; the ordinary for Kershaw district, in the sum of five thousand dollars; the ordinary for Sumter district, in the sum of five thousand dollars; the ordinary for Lancaster district, in the sum of five thousand dollars; the ordinary for Marlborough district, in the sum of three thousand dollars; the ordinary for Marion district, in the sum of five thousand dollars; the ordinary for Horry district, in the sum of three thousand dollars; the ordinary for Darlington district, in the sum of five thousand dollars; the ordinary for Chesterfield district, in the sum of three thousand dollars; the ordinary for Williamsburg district, in the sum of five thousand dollars; and the ordinary of Georgetown district, in the sum of ten thousand dollars.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifty-eighth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2593.

AN ACT to Incorporate certain Societies.

(Passed December 19, 1833. See last volume.)

A. D. 1833.

No. 2594.

## AN ACT CONCERNING THE TOWN OF WINNSBOROUGH.

I. *Be it enacted* by the Senate and House of Representatives, That the town council of Winnsborough be, and they are hereby, authorized and empowered to build and erect a market house in the centre of Washington street, in said town, and in such part of said street as they may deem most convenient to the inhabitants of said town; *provided*, the said market house shall not be of greater width than thirty feet.

In the Senate House, on the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three, and the fifty-eighth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

## AN ACT CONCERNING PERJURY.

No. 2595.

I. *Be it enacted*, by the Senate and House of Representatives, That if any person shall wilfully and knowingly swear falsely in taking any oath, now, or at any time hereafter, required by law, and administered by any person directed or permitted by law to administer such oath, he shall be deemed guilty of perjury, and, on conviction, incur the pains and penalties of that offence, and shall be liable to be punished by whipping on the bare back, within the discretion of the court.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifty-eighth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO VEST CERTAIN SQUARES AND LOTS OF WOODLAND IN THE TOWN OF COLUMBIA, IN THE TRUSTEES OF THE SOUTH CAROLINA COLLEGE. No. 2596.

WHEREAS, it is deemed important to the health of the officers and students of the South Carolina College, that certain squares and lots of woodland in the town of Columbia, which belong to the State, and lie between the said College and the swamp of Rocky Branch, should remain uncleared, and that the control of the same should be given to the Trustees of said College for that purpose.

I. *Be it therefore enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following squares and lots of woodland belonging to the State, in the town of Columbia, to wit: lots numbered on

**A. D. 1833.** the town plat as 53 and 54, on Medium street, lots numbered 43 and 44 on Green street, one square between Pickens, Bull, Green and Divine streets, and one square between Bull, Pickens, Pendleton and Medium streets, be, and the same are hereby granted to and vested in the Board of Trustees of the South Carolina College, for the purposes herein above mentioned.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifty-eighth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

**No. 2597. AN ACT FOR THE FURTHER REGULATION OF MAGISTRATES AND CONSTABLES IN THE PARISHES OF ST. PHILLIP'S AND ST. MICHAEL'S.**

**I. *Be it enacted*** by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, That in all questions on complaint between master and apprentice; in all cases of holding over after determination of lease, between landlord and tenant, under an act passed in 1812, entitled "An Act to afford landlords or lessors an expeditious and summary mode of gaining re-possession from tenants or leasees, who shall hold over after determination of their leases," and the amendatory Act passed in 1817; and in all cases of forcible entry and detainer—it shall be the exclusive duty of the ministerial magistrate to prepare the case for trial, summon the parties, present the cause for docketing, attend and conduct the trial as prosecuting officer, exactly as is now done by them on the trial of slaves and free persons of color; and it shall be the duty of the judicial magistrates to open a docket book for these three classes of cases, and be governed in all things relating thereto, as they are required to be on the trial of slaves and free persons of color.—

**Compensation.** The compensation of the judicial magistrate and his colleagues shall be to each, the sum of five dollars, and that of the ministerial magistrate, five dollars, in lieu of all other charges, the costs to be paid by the party cast in the suit,—*Provided always*, if the defendant should be cast in the suit, and should prove unable to pay the costs, nothing herein contained shall prevent the plaintiff from being liable for the said costs as well as those accruing to the constable.

**II. *Be it further enacted*,** That from and after the first day of February next, which will be in the year of our Lord one thousand eight hundred and thirty-four, all free-holders or slave-holders to sit on the trial of slaves or free persons of color, and all jurors to sit on causes between landlord and tenant, under the Acts aforesaid of 1812, and the amendatory Act of 1817, and in all cases of forcible entry and detainer, the free-holders or slave-holders, and jurors aforesaid, shall be drawn by the ministerial magistrate, in the presence of the judicial magistrate, at the time of docketing the cause for trial, from a box to be kept by the judicial magistrates for that purpose, in which box there shall be two apartments, marked Nos. 1 and 2.

**III. *Be it further enacted*,** That to enable the magistrates aforesaid to carry the clause last aforesaid into effect, the board of magistrates shall, before the said first day of February next, and once at least in every three

years thereafter, procure from the Treasurer of the city of Charleston a list of such persons as may be liable to serve as free-holders, or slave-holders, or jurors, and the names thus procured shall be placed in apartment No. 1, in said box, and be thence drawn and deposited from time to time, as they may be drawn, in apartment No. 2, until apartment No. 1 be entirely exhausted, when the contents of apartment No. 2 shall be transferred to No. 1, and the mode repeated.

A. D. 1833.

IV. *Be it further enacted*, That so much of the Act entitled "An Act for the better administration of justice, in the trial of causes small and mean, within the parishes of St. Philip's and St. Michael's, and for other purposes therein mentioned," passed in 1827, as requires the magistrate's court to be held every day in the week, Sundays excepted, for the trial of causes small and mean, be, and the same is hereby, repealed, and instead thereof there shall be a magistrate's court, for the trial of causes small and mean, as aforesaid, three days in each week, to be selected by the board of magistrates; *Provided however*, that nothing herein contained shall prevent additional courts being held, if cases of emergency, (of which emergency the judicial magistrate shall determine) should require such additional court to be held.

V. *Be it further enacted*, That in all cases of distresses for rent under the sum of twenty dollars, the fees to magistrates and constables shall be paid by the tenant or lessee, if he be able, if not, by the landlord or lessor. *Provided, however*, the tenant or lessee shall not be liable for the fees, if the question whether he be in arrear for rent or not, be determined in his favor by the judicial magistrate. The fees shall be as follows:

## MAGISTRATE.

|                                                                                                       |                       |                                       |
|-------------------------------------------------------------------------------------------------------|-----------------------|---------------------------------------|
| Affidavit,                                                                                            | \$00 31 $\frac{1}{4}$ | Magistrates<br>and Constables<br>fees |
| Warrant,                                                                                              | 50                    |                                       |
| For carrying up cases for adjudication before judicial magistrate,<br>summons and witnesses included, | 1 00                  |                                       |
| Commissions for selling, 5 per cent. on sums levied and rendering account sales.                      |                       |                                       |

## CONSTABLE.

|                                                        |      |
|--------------------------------------------------------|------|
| Serving warrant and levy,                              | 75   |
| Notice and schedule,                                   | 50   |
| For attending to removal of property and appraisement, | 1 00 |

VI. *Be it further enacted*, That in all cases of distresses for rent, above the sum of twenty dollars, the following shall be the legal charges, and shall be paid by the tenant or lessee; *Provided always*, nothing herein contained shall prevent the landlord or lessor being liable, if the tenant or lessee should prove unable to pay the costs.

## MAGISTRATE.

|                                                                                  |                       |
|----------------------------------------------------------------------------------|-----------------------|
| Affidavit,                                                                       | \$00 31 $\frac{1}{4}$ |
| Warrant,                                                                         | 1 00                  |
| Commissions on the sales, and rendering account sales, 2 $\frac{1}{2}$ per cent. |                       |

## CONSTABLE.

|                                                                                                    |      |
|----------------------------------------------------------------------------------------------------|------|
| Serving warrant,                                                                                   | 1 00 |
| Levy,                                                                                              | 1 00 |
| For attending to removal of property,                                                              | 1 00 |
| Notice,                                                                                            | 1 00 |
| Commissions on the sales, and rendering account sales to the magistrate, 2 $\frac{1}{2}$ per cent. |      |

VII. *Be it further enacted*, That for taking renunciation of dower or inheritance, a magistrate shall be entitled to two dollars, and for executing indentures of apprenticeship, two dollars.

A. D. 1833.

VIII. *Be it further enacted*, That all Acts and parts of Acts repugnant hereto, or any part hereof, be, and the same are hereby, repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifty-eighth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2598. AN ACT to prolong the terms of the Court of Equity, for certain Districts.

(Passed December 19, 1833. See last volume.)

No. 2601. AN ACT MORE EFFECTUALLY TO PROVIDE FOR THE DEFENCE OF THE STATE.

Arms to be  
kept in the Ar-  
senals.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That there shall be constantly retained in the public arsenals of this State, fit for immediate use, at least ten thousand muskets and rifles, two thousand swords, and four thousand pistols, with an adequate and proportionate quantity of accoutrements and other munitions of war; and that none of the above articles shall be issued, except under the order of the Commander-in-chief, and only in cases of great public exigency.

Appropriations  
for arms, &c.

II. *And be it further enacted*, That in order to supply the arsenals with the quantity and description of the articles above mentioned, the sum of fifty thousand dollars be, and the same is hereby, appropriated, to be applied, under the order of the Governor, to the purchase of the same, at such times and in such proportions as he may think proper; *Provided*, that unless in his opinion it shall become necessary for the safety of the State, not more than ten thousand dollars shall be expended annually.—And the Governor is hereby authorized and required to make the necessary regulations to insure the safe keeping of the said articles, so as to have them at all times fit for service; and that for this purpose he cause the necessary repairs to be made, and such articles as are incapable of repair, to be sold.

Arsenal and  
magazine to be  
erected.

III. *And be it further enacted*, That the Governor be authorized to cause an arsenal to be fitted up in the upper part of the old jail at Columbia, on a scale sufficiently extensive to receive a due proportion of said arms, and that he cause a magazine to be built in or near the said town, for which purposes the sum of three thousand dollars be, and the same is hereby, appropriated; and as soon as the said arsenal and magazine shall be completed, all the arms and munitions of war in the possession of the State shall be divided, in such proportions as the Governor shall direct, between the arsenals and magazines in Columbia and those in Charleston; and all the other arsenals and magazines in the State shall be discontinued.

Salaries of the  
arsenal keep-  
ers.

IV. *And be it further enacted*, That an arsenal keeper and powder receiver of the Columbia arsenal be appointed, who shall give bond and security in the penal sum of ten thousand dollars for the faithful perfor-

mance of his duty, and who shall receive as a compensation for his services the sum of four hundred dollars.

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V. *And be it further enacted*, That in consideration of the great extent and importance of the duties which will devolve on the arsenal keeper in Charleston, under the arrangement herein contemplated, the sum of seven hundred dollars be appropriated for his salary, and that said arsenal keeper shall give bond and security, in the penal sum of ten thousand dollars, for the faithful performance of his duty.

Appropriation for the security of the arsenals.

VI. *And be it further enacted*, That the sum of two thousand dollars be, and the same is hereby, appropriated to enable the Governor to make such arrangement for the security and protection of the arsenal and magazine in Columbia, as he may deem necessary.

VII. *And be it further enacted*, That in order to provide for a distribution of arms, to such portions of the militia as may be authorized to receive them, under the provisions of this Act, the sum of two thousand five hundred dollars, in addition to the arms which may be received from the United States, be, and the same is hereby, annually appropriated and set apart, the former to be expended by the Governor in the purchase of arms and military equipments, of such descriptions and in such proportions as he may think proper, and both to be disposed of, from time to time, as follows, to wit: as soon as a sufficient stock of sabres, pistols and holsters, shall be procured, each company of cavalry shall be furnished with the same, on such terms and conditions, and in such quantity, as the Governor may prescribe. In like manner, each uniform company of riflemen and light infantry shall be furnished with appropriate arms. *Provided*, the proportion of cavalry, riflemen and light infantry, shall not be greater than may be allowed by law.

Provision for the distribution of arms.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifty-eighth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

# AN ACT ABOLISHING CERTAIN PUNISHMENTS, AND AMENDING THE LAW No. 2602. FOR THE TRIAL OF SLAVES AND FREE PERSONS OF COLOR.

I. *Be it enacted*, by the Senate and House of Representatives, That from and after the passing of this Act, the punishment by branding shall be abolished in all cases, and in lieu thereof, in the cases of free white persons, punishment by fine and imprisonment shall be substituted.

Branding abolished.

II. That on the conviction of a slave for any offence not capital, the punishment shall be by whipping, confinement in stocks, or treadmill, and not otherwise—and on the conviction of a free person of color, for a like offence, the punishment shall be by whipping, confinement in stocks, treadmill, or prison or fine, and not otherwise—and on the conviction of a slave, or free person of color, for a capital offence, the punishment shall be by hanging, and not otherwise.

Punishment for petty offences.

III. That when any slave or free person of color shall be convicted of any capital offence, and sentenced to suffer death, application in behalf of the prisoner may be made to any one of the circuit judges, or judges of

Punishment for capital crime

A. D. 1833.

the court of appeals, either in open court or at chambers, for a new trial, and a full report of the case shall be made and attested by the justices who presided at the trial, upon application therefor, and the execution of the sentence shall be suspended; and if, from the said report, or from that in connection with satisfactory affidavits of matters not therein stated, (which affidavits shall be shewn to the justices, before they are presented to the judge,) it shall appear to the judge, that the conviction has been erroneous, the prosecution shall be as in case of a new complaint; *provided*, that no one of the justices or freeholders who served on the first, shall serve on the subsequent trial.

Time allowed  
after conviction  
before execu-  
tion.

IV. That in all cases of conviction of slaves or free persons of color, for any offence whatever, sufficient time before the execution of the sentence shall be granted of course by the court, whenever desired, to enable an application to be made to the Governor, for the pardon of the convict.

In the Senate House, on the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three, and the fifty-eighth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2603. AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO OPEN AND IMPROVE THE NAVIGATION OF THE DOCKON AND WHAPPAHoola CREEKS, AND TO ESTABLISH A PUBLIC LANDING AT THE HEAD OF THE NAVIGABLE WATERS THEREOF."

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act, ratified the eighteenth day of December, in the year of our Lord one thousand eight hundred and eighteen, entitled "An Act to open and improve the navigation of the Dockon and Whappahoola Creeks, and to establish a public landing at the head of the navigable waters thereof," be, and the same is hereby, repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifty-eighth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2604. AN ACT to repeal an Act entitled "An Act to exempt the members of the Vigilant, Phoenix, Aetna and Charleston Fire Engine Companies of Charleston, from jury duty."

(Passed December 19, 1833. See last volume.)

A. D. 1833.

No. 2605.

## AN ACT CONCERNING THE WADSWORTH FREE SCHOOL.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Trustees of the Wadsworth Free School, in the lower Saluda batallion, Laurens district, have leave to purchase a proper site for said free school, at or near the centre of said batallion, in trust for said institution, and to erect suitable buildings thereon for the accommodation of said school; and that they defray the expense of such purchase and the erection of the necessary buildings, out of the funds bequeathed for the support of said school by the last will and testament of the late Dr. Thomas Wadsworth.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifty-eighth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

## AN ACT to recharter the Bank of the State of South Carolin

No. 2606.

(Passed December 19, 1833. *See last volume.*)

## AN ACT to renew the Charter of the State Bank.

No. 2607.

(Passed December 19, 1833. *See last volume.*)

## AN ACT TO AMEND THE ACT OF ONE THOUSAND SEVEN HUNDRED AND EIGHTY-EIGHT, COMMONLY CALLED THE PRISON BOUNDS ACT. No. 2608.

WHEREAS, there is no provision for impanneling a jury to determine the facts when a prisoner applies for the benefit of the Act of one thousand seven hundred and eighty-eight, commonly called the Prison Bounds Act, where he is accused by the plaintiff or his agent of fraud or other acts, which, if true, would preclude him from the benefit of the said Act; for remedy whereof,

Preamble.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever a prisoner confined on mesne or final process, applying for the benefit of the Act aforesaid, shall be accused by the plain-

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Facts relative  
to insolvent  
debtors to be  
determined by  
a jury.

tiff or his agent, of fraud, or of his having given an undue preference to one creditor to the prejudice of the plaintiff, or of having made a false return, or having gone without the prison walls or prison rules, as the case may be, it shall be lawful for the judge, justice or commissioner of special bail, who shall hear the prisoner's application, to place the name of twenty-four neighboring freeholders in a box, and from them draw eighteen, and to direct the sheriff of the district to summon the said freeholders whose names shall be thus drawn, to attend at the place where the prisoner is confined, and at such time as the said judge, justice or commissioner of special bail shall appoint; and from them shall be drawn twelve in the same manner, who shall be empannelled to try the facts required by the Act aforesaid; and if from the eighteen freeholders so summoned, twelve cannot from any cause be impaneled, then the said judge, justice or commissioner of special bail, is authorized to complete that number from the other freeholders originally selected.

Liability for  
non attend-  
ance.

II. *And be it further enacted* by the authority aforesaid, That the freeholders so summoned shall be liable to the same objection, to be made by either party in the case, which may be made to jurors in the court of common pleas, and shall be liable to the same fine for non-attendance without sufficient cause, to which jurors now are for non-attendance at the courts; the said fine to be imposed by the court of common pleas of the district; and it shall be the duty of the judge, justice or commissioner of special bail, to return the names of the freeholders who shall so neglect to attend, into the office of the clerk of the said court, who is hereby commanded to proceed against the said defaulters as against non-attending jurors.

Fees, &c.

III. *And be it further enacted* by the authority aforesaid, That the justice or commissioner of special bail who may hear and determine the application of a prisoner for the benefit of the said Act, shall, if the same be unlitigated, be entitled to receive the sum of two dollars out of the property that may be assigned by the prisoner, as a compensation for his services; and whenever the same is litigated, the said justice or commissioner of special bail shall be entitled to receive the sum of four dollars as a compensation for his services, out of the property of the prisoner, if the final decision be against him; but if it be in his favor, then the said sum shall be paid by the plaintiff; and the sheriff shall receive the sum of five dollars as a compensation for summoning the said freeholders, to be paid out of the property of the prisoner, if his application be refused, and if granted, by the plaintiff; and the said justice or commissioner of special bail is empowered to issue executions against the property or person so liable to pay the said sum.

Cost, by whom  
paid.

IV. *And be it further enacted* by the authority aforesaid, That if the verdict of the jury aforesaid be in favor of the prisoner, and the plaintiff should appeal, the prisoner shall be entitled to be discharged from confinement, on his giving bond and sufficient sureties to the plaintiff, to be forthcoming, and to abide by the decision of the court of appeals; and if the said appeal shall be determined against the prisoner, and he be not surrendered, (which the surety is hereby authorized to do,) before the first day of the circuit court next succeeding the determination of such appeal, then the clerk of the court shall, on the application of the plaintiff or his agent, forthwith issue a *scire facias* on the said bond against the prisoner and his sureties, as in cases of estreated recognizances; but in case the said prisoner should appear, or be surrendered as aforesaid, then the said judge, justice or commissioner of special bail, shall forthwith proceed to impanel a jury and try the case, as provided for in the sections aforesaid, with the same liabilities, rights and privileges as aforesaid.

V. *And be it further enacted* by the authority aforesaid, That nothing in this Act contained shall be construed to deprive a judge sitting in open court of the power to submit to the jury already impaneled all issues arising under the Prison Bounds Act, in the same manner as is now practised; but in all cases where the plaintiff shall appeal from the verdict of the jury, the defendant shall be entitled to his enlargement, pending the appeal, on the terms prescribed in the foregoing sections of this Act. A.D. 1833.  
Judges power defined.

VI. In all cases where a prisoner applies for the benefit of the Prison Bounds Act, the judge or commissioner of special bail before whom the application shall be made, shall not discharge him from his confinement until the property contained in his schedule is produced and delivered to the assignee of such prisoner, if it be or has been within the power of the prisoner to deliver the same since the time of his arrest. Schedule to be rendered.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifty-eighth year of the Sovereignty and Independence of the United States of America.

HENRY PICKENS, *President of the Senate.*

PATRICK A. B. BLE, *Speaker of the House of Representatives.*

#### AN ACT CONCERNING SOME OF THE PUBLIC WORKS.

No. 2609.

I. *Be it enacted* by the honorable the Senate and House of Representatives, and it is hereby enacted by the authority of the same, That the rates of toll on cotton and empty boats passing through the Columbia canal, or Lockhart's canal, or the Wateree canal, shall, at the discretion of the Superintendent of public works, be raised, by an increase of not less than fifty per centum, nor more than one hundred per centum, upon the rates heretofore established; *provided*, that no increase of toll be collected upon boats or cotton passing the Wateree canal, which shall pay toll at all the locks on the Catawba river above the Wateree canal, and only such increase as the superintendent may think advisable upon boats and cotton which shall pay toll at some of the said locks. Certain tolls increased.

II. *And be it further enacted* by the authority aforesaid, That when, in the opinion of the Superintendent, it shall be expedient to erect a toll house for the collection of toll arising from any of the public works, or to erect barriers to prevent evasion of the payment of toll, at a point where a right to the use of sufficient land for either of these purposes cannot be purchased from the owner, at what the superintendent shall consider an adequate price, it may be lawful for him to take such sufficient quantity of land, upon tender to the owner of the price which the superintendent may deem adequate, taking care to do as small damage as possible to the owner; and the said owner, if dissatisfied therewith, may be at liberty to apply to the court of common pleas, and the proceedings in the matter shall be the same as in the case heretofore provided for, where lands are required to be surrendered to the State for any public works. Toll houses to be erected.

III. *And be it further enacted* by the authority aforesaid, That on the State road, road wagons drawn by four or more horses, mules or oxen, shall be required to keep on the timbered ways, where the road is timbered, unless it shall be necessary for them to leave these ways for the purpose of passing other vehicles, or avoiding broken places; and that this Travelling on State road.

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regulation shall be posted up at every toll gate, and communicated to the driver of every such wagon, by every toll collector who shall receive toll from such driver; and in every case of the violation of this regulation, the toll collector at either of the gates between which the violation took place, may proceed to collect ten times the toll which the said wagon may be liable to pay for passing at his gate, by distress warrant, as in case of an attempt to avoid paying toll, provided for in the ninth section of "An Act concerning the public works," passed the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine.

IV. *And be it further enacted*, That any sales of public lands, made or to be made by the Superintendant of public works, under a joint resolution of both Houses of the General Assembly, shall be valid and effectual to all intents and purposes.

V. *And be it further enacted*, That the road leaving the State road at Hart's, and going around the Providence gate to Dean Swamp, be discontinued as a public road.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifty-eighth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2610.

AN ACT to incorporate a Bank in the town of Cheraw.

(Passed December 19, 1833. See vol. 1, 375.)

No. 2611.

AN ACT TO INCORPORATE THE VILLAGE OF ANDERSON.

Corporation,  
how governed.

I. *Be it enacted*, by the Senate and House of Representatives, That the citizens of this State, who may be inhabitants of the village of Anderson, or within the limits of one mile in every direction from the court house thereof, or owners of freeholds therein, are hereby declared a body corporate; and shall be called ANDERSON, and governed by an Intendant and four Wardens, a majority of whom shall form a council, to be called "the Town Council of Anderson," and by that name have succession of members, keep a common seal, take and hold property, sue and be sued, implead and be impleaded, and enjoy every right incident to an incorporation.

Intendant and  
wardens, how  
elected.

II. The said Intendant and Wardens shall be persons who actually reside within the limits of the said corporation, and have so resided at least twelve months immediately preceding their election, and own a freehold therein: They shall in the first instance be elected on the third Monday in January next, and on the second Monday of September succeeding, and of every year thereafter, by ballot, the polls to be opened at the court house, from 10 o'clock A. M. until two o'clock P. M., and every citizen entitled to vote for members of the Legislature of this State, and

who shall have resided within the limits aforesaid six months immediately preceding said election, or who not having so resided shall own a freehold within the said limits, shall be entitled to vote at said election, of which seven days public notice shall be given, to be conducted by three managers, appointed in the first instance by the Pendleton delegation, and subsequently by the Intendant and Wardens for the time being, and which managers, having been sworn so to do, shall fairly and impartially conduct and declare the said elections: The Intendant and Wardens, before entering on the duties of office, in addition to the oath required by the constitution, shall take the following:—"I swear that I am legally eligible to the office of Intendant (or Warden, as the case may be) of Anderson, and that I will faithfully and impartially, to the best of my ability, perform the duties thereof; so help me God." The term of service of each shall continue until successors shall be elected and qualified: And [in case of] any vacancy in the office of either, by death, resignation, refusal to qualify, removal or otherwise, there shall be a special election held after five days notice, to fill such vacancy: The Wardens in council shall have power to supply the place of the Intendant, by an appointment from amongst themselves, during his temporary absence, or in case of vacancy, until an election.

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Oath.

III. The Intendant shall, as often as occasion may require, summon the Wardens to meet him in council: The council shall have power to abate and remove nuisances within the limits of the corporation, and, under its corporate seal, to enact such ordinances as may be necessary to regulate the practice of the council, and all such ordinances respecting the streets, ways, lots, fences, markets and police of said village, as it shall deem proper for the security, welfare and convenience of the said village, or for preserving cleanliness, health, peace, order and good government within the same; and to prevent the violation of its ordinances, by ordaining, as to free whites, fines not exceeding fifty dollars, and as to slaves and free persons of colour, any suitable punishment not extending to life or member: *Provided*, that no ordinance shall be repugnant to or inconsistent with the law of the land; and that all ordinances shall be subject to revisal and repeal by the Legislature.

Their powers.

IV. The power and duty of organizing, superintending and regulating the patrol within said limits, are transferred to the said council, and it is vested with the powers in that respect exercised by a captain of a beat company and a court martial; and severally and collectively, the members of said council are made subject to like penalties for neglect of duty: And the said council is further empowered, by suitable ordinances, to direct the time and manner of performing patrol duty within the limits aforesaid, and by additional fines, to enforce the performance thereof; *provided*, that no ordinance shall diminish the quantity of duty by law required from any person.

Patrol.

V. It shall be the duty of the council to keep all roads, streets and alleys within the limits aforesaid, open and in good repair, and for that purpose it is invested with all the powers, and subject to all the duties and liabilities, of commissioners of the roads; and the said council shall have power to regulate licences of shows and exhibitions within the limits; and as to all licences granted by commissioners of the roads, shall, within the limits aforesaid, have the powers of commissioners of the roads, and shall have power, by ordinances, to regulate and compel the performance of road duty by all persons liable thereto within their limits, and to compound with any such persons as may desire the same, by taking from them, in lieu of labor, a fair equivalent in money, which, with all sums arising from fines under this Act, shall be subject to the appropriation of the

Street and road work.

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council, for the use of the corporation; and that all monies paid for licences for retailing spirituous liquors, keeping taverns and billiard tables, within the said limits, shall be paid over to the commissioners of roads, as heretofore directed by law; and for neglect of duty, the intendant and wardens shall be liable to the penalties imposed by law on commissioners of roads for like neglect; and no person residing within the said limits shall be liable to work on any road without such limits.

Offences how  
to be punished. VI. When an offence by a free white person against the ordinance of the said council is charged, for which a fine not less than twenty dollars has been ordained, trial shall be had by indictment, in the court of sessions for Anderson district; and in case of conviction, collection made as in other cases of fines inflicted in that court: If the fine ordained may, according to discretion, be above or below twenty dollars, the council may, according to its opinion of the case, try the offender, and upon conviction, inflict a fine less than twenty dollars, or direct proceedings in the court of sessions as aforesaid: If the fine ordained be less than twenty dollars, the council shall summon and try the offender by such proceedings as it shall have ordained: All fines inflicted by the council shall be collected by a *fieri facias*, or if that be returned *nulla bona*, by a *capias ad satisfaciendum*, which if not paid, may be discharged by schedule and assignment, according to the provisions of the gaol bounds Act, after five days notice to the intendant.

Trial of persons of color. VII. The council shall have power to ordain the mode of trying slaves and free persons of colour, for any violation of its ordinances, and as to all other offences committed by such persons, shall have the power of the highest court of magistrates and freeholders under the negro Act; and the intendant and wardens, severally and collectively, shall, as to the said negro Act, and as to all other matters whatsoever, civil and criminal, (except the trial of small and mean causes,) have all the powers of justices of the peace and quorum of this State.

Power to appoint Constables. VIII. The council shall have power to appoint such and so many persons to act as constables within the limits aforesaid, as it shall deem proper, who shall have all the powers, privileges and emoluments, and be subject to all the duties, penalties and regulations, provided by the laws of this State for the office of constable, together with such other regulations as the council may ordain; and the gaoler of Anderson district shall be bound to receive and keep in custody, until discharged in due course of law, all persons arrested or committed by the lawful process or order of the council or any member thereof.

Penalty for neglect of duty. IX. For any wilful violation or neglect of duty, malpractice, abuse or oppression, the said intendant and wardens, severally, shall be liable to indictment in the court of sessions, and upon conviction, to punishment by fine, not exceeding two hundred dollars, and at the discretion of the court, removal from office, besides being answerable for damages to any person injured.

X. This Act shall be deemed and taken to be a public Act, and shall continue of force for three years, and until the end of the session then next following.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifty-eighth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

A. D. 1833.

AN ACT to provide for the Military Organization of this State.

No. 2612.

(Passed December 19, 1833. See vol. 1, 371.)

AN ACT TO VEST IN THE TRUSTEES AND FACULTY OF THE MEDICAL COLLEGE OF THE STATE OF SOUTH CAROLINA, POWER TO GRANT LICENCES TO PRACTICE MEDICINE AND SURGERY AND TO VEND DRUGS. No. 2613.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the Trustees and Faculty of the Medical College of the State of South Carolina, are hereby authorized and empowered to grant a license to practice medicine and surgery, to any person who upon applying for the same shall present a diploma from some medical institution, or who, upon examination by the said faculty, shall obtain from them a certificate or recommendation, that the said applicant is duly qualified to practice medicine and surgery.

II. *And be it further enacted* That the said trustees and faculty shall have power, from and after the passing of this Act, to grant licences to apothecaries to vend drugs and medicines, under the provisions of the Acts heretofore passed upon that subject.

III. *And be it further enacted*, That this Act shall be taken and deemed to be a public Act.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifty-eighth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-THREE. No. 2614.

I. *Be it enacted* by the Senate and House of Representatives, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, for the use and service thereof; that is to say, thirty cents ad valorem on every hundred dollars of the value of all lands granted in this State; the sum of sixty cents per head on all slaves of every description; and the sum of two dollars on all free negroes, mulattoes, and mestizoes, between the ages of fifteen and fifty; (except such as shall be clearly proved, to the satisfaction of the collectors, to be incapable, from maims or otherwise, of providing a livelihood;) thirty cents ad valorem on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough;

Tax to be raised on lands, negroes, &c. to be paid in notes of the incorporated Banks of this State, &c.

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Faculties and Professions.

including all lots, and portions of land, on which buildings may be erected, in the immediate vicinity of any city, town, village or borough, which may have been made, or shall hereafter be made, with a view to a city, town, village, or borough settlement, or as shall ordinarily be regarded as forming a part of any city, town, village, or borough in this State; and sixty cents per hundred dollars, on factorage employments, faculties and professions, whether in the profession of the law the profits be derived from costs of suit, fees, or other sources of professional income, and on the amount of commissions received by vendue-masters and commission merchants, (clergymen, schoolmasters, schoolmistresses and mechanics, excepted;) to be ascertained and rated by the assessors and collectors throughout this State, according to the best of their knowledge and information; to be paid in specie, paper medium, or the notes of the specie paying banks in this State.

Tax collectors must issue executions.

II. *And be it further enacted*, That the tax collectors of this State are authorized and required to issue their executions against all such free negroes, mulattoes, and mestizoes, as shall neglect or refuse to pay the tax imposed by this Act, directed to the sheriffs of the said State, requiring them to sell, for a term not exceeding one year, the service of said free negroes, mulattoes, or mestizoes, to meet the payment of the tax imposed; *provided*, that the sheriff shall not sell the services of any free negro, mulattoe, or mestizoe, for a longer term than shall be necessary to pay and discharge the taxes due.

Absentees double taxed.

III. *And be it further enacted*, That any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay, for the use of the State, a double tax on the same; but this clause shall not be construed to extend to any person sent, or to be hereafter sent, abroad in the service of the State, or the United States, until one year after the expiration of his commission.

Tax on plays and shows.

IV. *And be it enacted*, That all persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of five dollars per day, before making such exhibitions; which sums shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay the same over into the public treasury annually; and in case of non-payment, the clerk of the court, or any justice of the peace or quorum, is hereby authorized and required to issue an execution, for double the amount of the tax, directed to any sheriff or constable of the district, against the body or goods of the person or persons liable to pay the said tax; *provided*, that nothing herein contained shall be construed to extend to any incorporated town or city.

Tax on stock in trade.

V. *And be it enacted*, That sixty cents shall be levied on every hundred dollars worth of goods, wares and merchandize, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States, or territories thereof, excepted,) which any person shall use or employ as articles of trade, or for sale, barter or exchange, or have in his, her or their possession, on the first day of January, in the year of our Lord one thousand eight hundred and thirty-four, either on his, her or their own account, or purchased by his, her or their own capital, or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; to be assessed by the assessors and collectors throughout this State, according to the best of their knowledge and information; and every person or persons making return of such goods, wares or merchandize, to a tax collector,

shall take the following oath or affirmation; "I, A. B. do solemnly swear, (or affirm) that the return which I now make, is, to the best of my knowledge and belief, a just and true return of the amount and value of all the goods, wares and merchandize, (the products of this State, and the unmanufactured products of any of the United States, or territories thereof, excepted,) which I held in my possession on the first day of January, one thousand eight hundred and thirty-four, for sale, barter or exchange, either on my own account, or upon borrowed capital, or on account of others, as agent, attorney or consignee. So help me God."

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Oath.

VII. *And be it further enacted*, That if any tax collector shall refuse or neglect to make his return, and pay the taxes, within the time prescribed by law, which have been received by him, it shall be the duty of the treasurer, within whose division such default shall be made, in addition to the coercive power which he now possesses, to charge the said collector with interest, at the rate of five per cent per month, from the time he ought to have made such return and paid the taxes, to the time of settlement.

Defaulting collectors to pay 5 per cent a month.

VIII. *And be it enacted*, That it shall be the duty of any sheriff or coroner in whose hands a tax execution shall be placed by a tax collector, to collect and pay over the amount for which such execution shall issue, to the treasurer within whose division he may reside, within six months from the time he shall receive the same; and in default thereof, it shall be the duty of the treasurer to issue execution against such sheriff or coroner, for the whole amount expressed in such execution, with interest thereon, at the rate of five per cent. per month, from the time he should have paid the same: *Provided*, that sheriffs and coroners be allowed credit for nulla bona executions, as heretofore.

Treasurer to issue executions against Sheriffs and Coroners.

VIII. *And be it enacted*, That it shall be the duty of every taxable inhabitant of this State, who has, since the first day of October, one thousand eight hundred and thirty-two, and prior to the first day of October last, sold or transferred the possession of any real or personal property liable to tax, (except stock in trade,) to give information, at the time of making his next return, of such sale or transfer, and the name of the person to whom sold or transferred, to the tax collector of the district in which he may reside, to the end that the tax collector may be better enabled to collect the public dues.

Information to be given of property sold.

IX. *And be it enacted*, That after the passage of this Act no person shall open or keep any office for the sale of lottery tickets, in any other lottery than such as may be authorized by the laws of this State, unless such person shall have first paid to the tax collector of the parish or district a tax of two thousand dollars for such privileges; and if any person shall open or keep any office for the sale of lottery tickets, or shall sell, or offer for sale, any lottery tickets, without having paid such tax, such person, on conviction thereof by indictment, shall forfeit and pay ten thousand dollars; and it shall be the duty of the tax collector of the district or parish in which such office shall be kept, or in which such lottery tickets shall be sold, or offered for sale, to prosecute all persons who shall offend against the provisions of this Act.

Tax on persons who sell Lottery tickets.

X. *And be it enacted*, That the treasurer of each division be, and he is hereby, authorized and required to pay quarterly, at the end of each quarter, all appropriations made for and on account of any officer of this State, or other appropriation, within his division; except the officers of each branch of the Legislature, who shall be paid by the treasurer of the upper division, at the end of the session of the Legislature; and except the pay bills of the members of the Legislature, which shall be

Appropriations to be paid.

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paid on presentment at either of the treasuries; and except the officers of the South Carolina College, who shall be paid as heretofore, under their contract with the Board of Trustees, quarterly in advance; and it shall be the duty of either of the treasurers, whenever he shall make any payment, to take a duplicate receipt, and forward the same to the comptroller-general, with his monthly report.

Goods of transient persons taxed.

XI. *And be it enacted*, That if any transient person or persons not resident in this State, shall at any time sell, or expose to sale, any goods, wares or merchandize whatsoever, in any house, stall or public place, after the first day of January in each year, such person shall make return on oath, within ten days after commencing to sell as aforesaid, of the whole amount of the stock in trade he may have possessed at the time, to the tax collector of the district or parish in which the said goods, wares or merchandize shall have been or may be sold or exposed to sale; and if any person shall neglect or refuse to make such return as aforesaid, within the time prescribed above, he shall, on conviction thereof by indictment, forfeit and pay the sum of not more than one thousand dollars; unless such person shall have paid for and procured a license according to the provisions of an Act entitled "An Act to increase the price of license to hawkers and peddlars."

Said tax to be collected within five days.

XII. *And be it enacted*, That it shall be the duty of the tax collectors to proceed to collect, from such persons so selling as aforesaid, the tax required by law to be paid on stock in trade, within five days after receiving such return.

Penalty on tax collectors for not making returns.

XIII. *And be it enacted*, That if any tax collector shall fail or neglect to require a return, on oath, of any person liable to the payment of taxes for the use of the said State, for his or her taxable property, as provided by law, such tax collector shall be liable to a penalty of two hundred dollars, to be recovered by indictment in any court of sessions; one half of which shall be paid into the public treasury, for the use of the said State, and the remainder to the person who shall give information of such neglect and prosecute for the same.

Collectors to give notice.

XIV. *And be it enacted*, That it shall be the duty of every tax collector to give public notice of the day when he intends to close his books.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifty-eighth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*


NO. 2615. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-THREE; AND FOR OTHER PURPOSES.

Appropriations

I. *Be it enacted* by the honorable the Senate and House of Representatives, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the public officers, and for other expenses and purposes of Government:

For the salary of the Governor, three thousand five hundred dollars.

For the rent of the Governor's house in Columbia, three hundred dollars.

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For the private Secretary of the Governor, five hundred dollars.

For the Messenger of the Governor, two hundred and fifty dollars.

For the salaries of two Judges of the Court of Appeals, each three thousand dollars.

For the salary of one judge of the Court of Appeals, three thousand five hundred dollars.

For the salary of one Chancellor, three thousand and five hundred dollars.

For the salary of one other Chancellor, three thousand dollars.

For the salary of one Judge of the Court of Common Pleas, two thousand and five hundred and seventy-two dollars.

For the salaries of two Circuit Judges, each three thousand and five hundred dollars.

For the salaries of three Circuit Judges, each two thousand and five hundred dollars.

For the salary of the State Reporter, fifteen hundred dollars : Provided, that only one half that amount be paid to him, unless the said reporter shall print and publish the decisions of the Appeal Court, made during the time he shall act as such reporter, within twelve months after such decisions shall be made.

For the salary of the Attorney-General, nine hundred dollars.

For the salaries of the Circuit Solicitors, each seven hundred dollars.

For the salary of the Messenger of the Court of Appeals in Charleston, one hundred and fifty dollars.

For the salary of the Messenger of the same Court in Columbia, one hundred and fifty dollars.

For the pay of the Members of the Legislature, and the Solicitors, during the present session, eighteen thousand dollars, if so much be necessary.

For the salaries of the Clerks of the Senate and House of Representatives, each one thousand dollars, to be paid at the adjournment of the Legislature.

For the salaries of two Messengers and two Doorkeepers, each two hundred dollars, to be paid at the adjournment of the Legislature.

For the Librarian of the Legislature, one hundred dollars.

For the salary of the Comptroller-general, fifteen hundred dollars.

For the salary of the clerk of the Comptroller-general, to be appointed by him and removable at his pleasure, seven hundred and fifty dollars.

For the salary of the Treasurer of the lower division, and for transacting the business of the loan office, and for clerk's hire, two thousand dollars.

For the salary of the Treasurer of the upper division, including clerk's hire, sixteen hundred dollars.

For the salary of the President of the South Carolina College, three thousand dollars.

For the salaries of the Professor of Mathematics, of the Professor of the Elements of Criticism, Logic, [and the philosophy of languages,] the Professor of Languages, and the Lecturer on Chemistry, each two thousand dollars.

For the assistant to the Lecturer on Chemistry, one thousand dollars.

For the salary of one Tutor, one thousand dollars.

For the salary of the Treasurer and Librarian of the College, four hundred dollars. And the salaries of the President, Professors and Tutor, shall be paid by the treasurer of the upper division, quarterly in

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advance, their drafts being countersigned by the Treasurer of the College.

For the commons and other incidental expenses of one student in the College, from the Orphan House in Charleston, two hundred and sixty dollars; to be paid to the Cashier of the Branch Bank at Columbia, for the use of such student.

For the salary of the Adjutant and Inspector General, fifteen hundred dollars.

For the salary of the Arsenal keeper in Charleston, seven hundred dollars.

For the salary of the Arsenal keeper and Powder receiver in Abbeville, at the rate of two hundred dollars per annum.

For the salary of the Arsenal keeper and powder receiver in Beaufort, at the rate of two hundred dollars.

For the Arsenal keeper and powder receiver at Columbia, at the rate of four hundred dollars per annum.

For the pay of the Physician of the magazine guard and gaol in Charleston, four hundred dollars.

For the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars.

For the payment of pensions and annuities, twenty thousand dollars, if so much be necessary.

For the payment of the contingent accounts of the lower division, five thousand five hundred dollars, if so much be necessary.

For the payment of the contingent accounts of the upper division, eleven thousand dollars, if so much be necessary.

For the support of free schools, thirty-seven thousand dollars, if so much be necessary.

For the support of the transient poor of Charleston, payable to the city council, four thousand five hundred dollars, and the city council shall account to the Legislature for the expenditure thereof.

For the support of the transient poor of Georgetown, four hundred dollars, to be expended by the commissioners of the poor of Prince George Winyaw, who shall publish annually, in the nearest Gazette, the names of the transient poor, and the sum paid to each, and return, annually, upon oath, to the comptroller-general, an account of their expenditures, to be submitted to the Legislature.

For the payment of claims, according to the reports of the committees on claims, agreed on and adopted at the present session, ten thousand dollars, if so much be necessary.

For the salaries of the reading clerks of the Senate and of the House of Representatives, each one hundred and fifty dollars, to be paid at the end of the session.

For the Assessor of St. Philip's and St. Michael's, eight hundred dollars.

For the salary of the Pilot of the bar and harbor of Georgetown, three hundred and twenty dollars.

For the city council of Charleston, for the execution of the quarantine laws, one thousand dollars.

For the insuring the buildings of the South Carolina College, five hundred dollars, if so much be necessary.

For public buildings, ten thousand dollars, if so much be necessary.

For the re-payment of double taxes, ordered by both branches of the Legislature to be refunded, four hundred dollars, if so much be necessary.

II. *And be it further enacted*, That the clerks of the court of appeals in Charleston and Columbia, be, and they are hereby, authorized to draw their salaries quarterly, at the end of each quarter; the clerk at Columbia, from the treasurer of the upper division, and the clerk at Charleston, from the treasurer of the lower division, and that the sum of six hundred dollars is hereby appropriated for that purpose. A. D. 1833.  
Clerks of the Court of Appeals to draw salaries quarterly.

For the salary of the keeper of the magazine in Georgetown, to be appointed and paid by order of the Governor, at the rate of one hundred and fifty dollars per annum.

For the salary of the Superintendant of public works, twelve hundred dollars.

For A. S. Johnston, Printer for the House of Representatives, for printing done at this session, thirteen hundred dollars.

For C. W. Miller, printer for the Senate, for printing for the Senate during the session, one thousand dollars, at the rising of the Legislature; and for printing the Acts, the journals of both Houses, and Resolutions of the Legislature, with the Governor's Message, in pamphlet form, seven hundred dollars; *provided*, that the pamphlets be printed and deposited in the office of Secretary of State at Columbia, on or before the fifteenth day of February next; otherwise, the latter sum shall not be paid.

For medical accounts, as agreed to by both branches of the Legislature, two hundred dollars.

III. *And be it further enacted*, That the sixth section of the Act to make appropriations for the year 1832, which places two hundred thousand dollars at the disposal of the Governor, for the purchase of arms and other purposes therein recited, be, and the same is hereby, repealed. For Military Purposes.

For Military purposes, including the support of the Citadel and Magazine Guard, making and publishing a digest of the Militia Laws, preparing and publishing Cavalry and Artillery tactics, issuing certificates to Volunteers, in addition to the sum now in the hands of the Governor, twelve thousand dollars, if so much be necessary, to be subject to the order of the Governor, and to be accounted for by him.

For the City Council of Charleston, to indemnify them for the purchase of a Lazaretto and Boats, to be paid to the Intendant or his order, as soon as titles shall be made to the State, the sum of six thousand dollars.

IV. *And be it further enacted*, That the City Council of Charleston be authorized to take a conveyance of the Land on which the Lazaretto stands, to enable them to convey the same to the State, in compliance with the foregoing clause.

For the payment of Judge Martin's last quarter's salary, six hundred and twenty-five dollars.

For the payment of George Douglass' pay bill, as a member of the late Convention of the people of the State, thirty-four dollars.

For the payment of S. C. Debruhl, Sheriff of Richland, for serving writs of Election to fill the vacancy in Richland, twenty-nine dollars and twenty cents.

For the purpose of defraying the expenses of a Ferry at Elliott's Cut, one hundred dollars, subject to the order of the Board of Commissioners of the roads for the parish of St. Andrews.

For Smith Mowry, eight dollars and seventy-nine cents, for a State Tax twice paid.

For the payment of costs in the Trover case of Z. Norwood vs. Henry B. Mazyck, forty-two dollars, if so much be necessary.

For Mrs. Martha West, sixteen dollars and sixty-eight cents, being the amount of a tax twice paid.

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*V. And be it further enacted,* That the treasurer of the lower division be authorized to pay the sum of six hundred dollars to the Commissioners of Free Schools for Prince Williams Parish, on a correct return being made to the Comptroller General and approved by him.

For John Griffin and others, the heirs of Colonel James Williams, deceased, for revolutionary services, two thousand dollars.

For William G. Armstrong, superintendant of the Fire Proof Buildings in Charleston, two hundred dollars, for services during preceding two years.

For G. Chapman, in payment for buildings erected on the State House Lot at his individual expense, seven hundred and twenty-six dollars.

For Thomas M. Stuart, for repairs done to a field piece, fifteen dollars.

For A. S. Johnston, for extra printing for the Legislature, and Managers of Election, one hundred and ninety-four dollars, fifty cents.

For Henry Davis, late Sheriff of Marion district, sixty-four dollars twenty-nine cents.

For T. J. Sessions, late Sheriff of Horry district, twenty eight dollars, for blankets furnished gaol.

For F. H. Wardlaw and N. L. Griffin, one hundred dollars each, for their services the past year, as Commissioners of the Town of Hamburg; and that they be continued as Commissioners, with the same powers and duties as now conferred, to act for the year 1834, at the expense of Henry Shultz.

For Drury Campbell, for serving as sheriff at the court of common pleas, for Kershaw District, at April Term, eighteen hundred and thirty-three, twenty dollars.

As a salary for State House Keeper and Librarian, five hundred dollars, for ensuing year.

For the purchase of Mount Dearborn, near Rockey Mount, two thousand six hundred and fifteen dollars, to be paid to the order of the executor.

For William H. Wilson, on account, eighty dollars.

Samuel E. Graham, on account, one hundred and eight dollars ninety-one cents.

Samuel Fluitt, on account, twenty dollars thirteen cents.

Robert R. Gamble, on account, four dollars one cent.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three, and in the fifty-eighth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

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No. 2616. AN ACT TO AUTHORIZE THE APPOINTMENT OF A COMMISSIONER, OR COMMISSIONERS, TO TAKE THE ACKNOWLEDGEMENT OF DEEDS AND OTHER INSTRUMENTS OF WRITING UNDER SEAL; AND FOR OTHER PURPOSES.

*I. Be it enacted,* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Governor of this State be, and he is hereby, authorized to name,

appoint, and commission a Commissioner or Commissioners, in each or such of the other States of the United States, or Territories thereof, or in the District of Columbia, as he may deem expedient, who shall continue in office during the pleasure of the Governor, any one of whom shall have authority to take the acknowledgment or proof of any deed, mortgage, or other conveyance of any lands, tenements, or hereditaments, lying or being in this State, or of any contract, letter of attorney, or any other writing under seal, to be used and recorded in this State; and such acknowledgment or proof, taken or made in the manner directed by the laws of this State, and certified by any one of the said Commissioners, before whom the same shall be taken or made, under his seal, (which certificate shall be indorsed on or annexed to the deed or instrument aforesaid,) shall have the same force and effect, and be as good and available in law, for all purposes, as if the same had been made or taken before a Judge of this State.

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Commissioners to be appointed by the Governor, where he may think expedient.

Commissioner's acknowledgment as good as that of a Judge.

II. *And be it further enacted* by the authority aforesaid, That every Commissioner, appointed under the authority of this Act, shall have full power to administer an oath or affirmation to any person who shall be willing or desirous to make such oath or affirmation before him; and such oath or affirmation, made before such Commissioner, shall be, and is hereby declared to be, as good and effectual, to all intents and purposes, as if taken by any magistrate resident in this State and competent to take or administer the same.

Commissioner to administer oaths.

III. *And be it further enacted* by the authority aforesaid, That every Commissioner, appointed as aforesaid, before he shall proceed to perform any duty under and by virtue of this Act, shall take and subscribe an oath or affirmation before a Justice of the Peace in the city or county in which such Commissioner shall reside, well and faithfully to execute and perform all the duties of such commissioner or assistant commissioner, as the case may be, under and by the laws of South Carolina, which oath or affirmation, and the written appointment of such assistant commissioner, shall be filed in the office of the Secretary of this State, who shall give notice of such appointment in one or more of the Gazettes of this State:

Commissioner's oath, &c.

IV. *And be it further enacted* by the authority aforesaid, That the person so appointed Commissioner, as aforesaid, shall have power and authority to take and certify renunciations of dower and inheritance, on the same terms and conditions as Judges or Justices of the Quorum are now authorized to do by the laws of this State, and such renunciations, so taken and certified as aforesaid, shall as effectually convey such estates of dower and inheritance, as if the same had been rendered in this State.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, and the fifty-ninth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT to renew the Charter of the South Carolina Insurance Company. No. 2617.

(Passed December 17, 1834. See last volume.)

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No. 2618. AN ACT TO AMEND AN ACT ENTITLED "AN ACT CONCERNING THE BONDS FOR THE FAITHFUL PERFORMANCE OF DUTIES BY CERTAIN PUBLIC OFFICERS OF THIS STATE," PASSED ON THE 20TH DAY OF DECEMBER, IN THE YEAR OF OUR LORD 1820 ; AND FOR OTHER PURPOSES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the third and fourth clauses of the aforesaid Act be, and the same are hereby, amended, so as to include the bonds for the faithful performance of their official duties given previous to the ratification of said Act, by officers now in office.

II. *And be it further enacted* by the authority aforesaid, That the Commissioner in Equity for Georgetown District shall, within sixty days from the passing of this Act, execute a bond to the State of South Carolina, with three good and sufficient sureties, in the sum of fifteen thousand dollars, to be drawn and approved as is provided in the last clause of the Act aforesaid, for the faithful performance of the duties of his office, which said bond shall be deposited and recorded in the treasurer's office in Charleston; and in default of his compliance with this provision, the said office shall be regarded as vacant, and the vacancy shall be filled in the same manner as if it had occurred from any other cause.

Commissioner  
of Georgetown  
to give bond.

III. *And be it further enacted* by the authority aforesaid, That the bond of every commissioner in equity, hereafter to be elected for the district of Georgetown, shall be subject to the provisions of the preceding section of this Act.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, and in the fifty-ninth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2619. AN ACT TO REGULATE THE PRINTING AND DISTRIBUTION OF THE ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THIS STATE; AND FOR OTHER PURPOSES.

I. *Be it enacted* by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall hereafter be the duty of the printer employed for that purpose by the Legislature, after the adjournment of each session to print two thousand copies of the Acts and Resolutions of the General Assembly of this State, passed at such session, and to deposit them, on or before the twentieth day of February next succeeding thereafter, in the office of the treasurer of the upper division; of which the said treasurer shall keep one hundred copies, subject to the order of the Governor, for the purpose of interchanging with other States; and the said treasurer shall deposite one hundred and fifty copies in the Legislative Library, and shall transmit, at the earliest period, to the clerks of the courts for the

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several districts and parishes of this State, the copies then remaining in his hands; Abbeville district, 92; Anderson do., 56; Barnwell do., 50; Chester do., 77; Chesterfield do., 36; Darlington do., 50; Edgefield do., 80; Fairfield do., 77; Greenville do., 56; Kershaw do., 66; Laurens do., 53; Lexington do., 48; Lancaster do., 50; Marlborough do., 38; Newberry do., 50; Orangeburgh do., 40; Pickens do., 56; Richland do., 100; Union do., 56; Sumter do., 65; Spartanburgh do., 60; York do., 65; Beaufort do., 60; Charleston do., 150; Colleton do., 55; Georgetown do., 50; Horry do., 45; Marion do., 44; Williamsburgh do., 25; and that the persons employed in transmitting said Acts, shall receive as a compensation for their services, three dollars per day for every forty miles they may travel in going to and returning from the town of Columbia.\*

II. *Be it further enacted*, That the Clerks of the Courts, after supplying all such persons as by law are entitled to receive copies of the Acts and Resolutions aforesaid, shall sell the copies remaining in their hands, at fifty cents per copy, and pay into the treasury such amounts as they may severally receive by such sales.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, and the fifty-ninth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate*.

PATRICK NOBLE, *Speaker of the House of Representatives*.

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AN ACT TO VEST IN ROBERT CATHCART THE TITLE OF THE STATE TO No. 2620.  
A LOT OF LAND IN THE TOWN OF WINNSBOROUGH.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title, and interest which the State may now have in and to a lot of land situated in the town of Winnsborough, on the North-East corner of Congress and Washington streets, containing one-fourth of an acre, on which the Market House in the said town now stands, be, and the same is hereby, vested in Robert Cathcart, his heirs and assigns forever.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, and in the fifty-ninth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate*.

PATRICK NOBLE, *Speaker of the House of Representatives*.


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AN ACT to establish a Company under the name of the Atlantic Steam No. 2621.  
Packet Company.

(Passed December 17, 1834. See last volume.)

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\* See in the Appendix to this volume, the joint Resolution of the Legislature, as to the distribution of the Statutes at Large and the Acts of the Legislature, by the Librarian of the Legislature.

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## No. 2622. AN ACT TO INCREASE THE PUNISHMENT FOR GRAND LARCENY.

1. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, any person convicted of Grand Larceny, in addition to the punishment now inflicted by law, shall be whipped at the discretion of the Court, not exceeding thirty-nine lashes.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, and in the fifty-ninth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

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## No. 2623. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO APPOINT ESCHEATORS AND TO REGULATE ESCHEATS."

1. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Escheators for the Districts of this State, respectively, shall be hereafter appointed by joint resolution of the Senate and House of Representatives, shall continue in office for four years, and until successors be appointed, and shall, severally, give a bond, with three good and sufficient sureties, in the penal sum of two thousand dollars, in the form prescribed by the Act entitled "An Act concerning the Bonds of Public Officers :"  
*Provided*, that nothing in this Act shall impair the right of bodies corporate or politic, to nominate and appoint Escheators in relation to any estate that has been or may be ceded to such bodies corporate or politic.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty four, and in the fifty-ninth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

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## No. 2624. AN ACT to amend an Act entitled "An Act to provide for the military organization of this State," passed on the nineteenth day of December, eighteen hundred and thirty-three; and for other purposes.

(Passed November 17, 1834. See last volume.)

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AN ACT TO VEST IN ANN WIGHTMAN CERTAIN ESCHEATED PROPERTY IN EDGEFIELD DISTRICT. No. 2625.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State of South Carolina, in the real estate of John Moore, late of Edgefield district, deceased, lying in said district, be, and the same are hereby, vested in Ann Wightman and her heirs forever; *Provided*, that nothing in this Act contained shall be construed in any manner to interfere with any right of the Edgefield Village Academy, under and by virtue of an Act passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, entitled "An Act to vest in the trustees of the Cedar Spring Academies, in Spartanburgh district, and the trustees of the Edgefield Village Academy, the escheated property therein named for each district respectively, and for other purposes."

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, and in the fifty-ninth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

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AN ACT to amend the Charter of the Society for the relief of elderly and disabled Ministers, and of the Widows and Orphans of the Clergy of the Independent or Congregational Church, in the State of South Carolina. No. 2626.

(Passed December 17, 1834. *See last volume.*)

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AN ACT to establish certain Roads, Bridges and Ferries. No. 2627.

(Passed December 17, 1834. *See last volume.*)

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AN ACT to incorporate the Insurance Company of Columbia, South Carolina. No. 2628.

(Passed December 17, 1834. *See last volume.*)

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## No. 2629. AN ACT FOR THE REGULATION OF THE PENSIONERS OF THIS STATE.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, That the names of all the Revolutionary Pensioners of this State be stricken from the Pension Roll, from and after the first day of March, which will be in the year of our Lord one thousand eight hundred and thirty-six.

II. From and after the passing of this Act, all persons who are Pensioners of the United States Government shall be stricken from the Pension Roll of this State.

III. That every commissioned, non-commissioned, officer, or private, who served in this State during the revolutionary war, although for a period less than six months, who may have been wounded or disabled during such service, shall be entitled to receive, out of the public treasury of this State, a pension proportionate to his rank.

Widows of soldiers entitled to pensions.

IV. That the widows of those commissioned, non-commissioned, officers, and privates, who served in this State during the revolutionary war, who were married at any time during the service of such commissioned, non-commissioned officer, or private, shall be entitled to receive, out of the public treasury of this State, the sum of thirty dollars per annum; *provided*, that such pensions, to every such widow, shall cease upon her marriage with any other person; and that no such widow, who has contracted marriage since the death of such commissioned, non-commissioned, officer, or private, be entitled to receive such pension.

Application for pensions, how to be made.

V. That all applications for pensions from this State shall be made by petition to the Legislature of the same; that each petitioner shall make an affidavit, before some magistrate or other person duly authorized by law to administer oaths and affirmations, setting forth that said petitioner has previously made application to the United States for a pension, according to an Act passed in Congress, in the year of our Lord one thousand eight hundred and thirty-two, entitled "An Act supplementary to the Act for the relief of certain officers and soldiers of the Revolution," and shewing what was the result of such application to the United States, or assigning sufficient cause for not making such application, together with such facts as are requisite to entitle said petitioner to receive the benefits of this Act.

Treasurers authorized to pay pensions.

VI. That the Treasurers of this State be authorized to pay to all persons whose names were on the Pension Roll of this State on the 8th day of December, 1833, except such as now receive pensions from the United States, such sums of money as they would have been entitled to receive, had the resolution of the 9th December, 1833, not been adopted; and that such pensioners be entitled to receive from the public treasury of this State, their pensions, until the first day of March, which will be in the year of our Lord, one thousand eight hundred and thirty six; *provided*, that nothing in this Act be repugnant to an Act, passed in the year of our Lord one thousand eight hundred and fifteen, entitled "An Act for the relief of the widows and orphans of such persons who died, or were killed, or who have died by diseases contracted, in the late war between the United States of America and Great Britain."

Treasurers to notify sheriffs, &c.

VII. That the Treasurers of this State be required to notify in writing, on or before the fifteenth day of January 1835, the sheriffs of each district therein, of the names of the pensioners of this State, residing in said district, and that the said names will be stricken from the Pension Roll,

on the first day of March, 1836; and that the said sheriffs be required to give public notice of the same in writing, at the court-house of said district, on the first day of February next ensuing. A.D. 1834.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, and in the fifty-ninth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

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AN ACT to Incorporate certain Societies. No. 2630.  
(Passed December 17, 1834. *See last volume.*)

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AN ACT to Incorporate the Saluda Manufacturing Company. No. 2631.  
(Passed December 17, 1834. *See last volume.*)

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AN ACT to establish and incorporate another Bank in the City of Charleston. No. 2632.  
(Passed December 17, 1834. *See last volume.*)

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AN ACT TO REGULATE THE OFFICE OF COMPTROLLER GENERAL. No. 2633.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Comptroller-general shall hereafter keep a set of books, exhibiting the separate transactions of the Treasury Department, which set of books will be a transcript of the books of the two Treasuries, combined in one digested set, constituting a complete check upon those offices. Books to be kept by Comptroller.

II. The Comptroller-general, in addition to the exhibits of cash transactions of the Treasuries, shall annually report to the Legislature a balance sheet of the books aforesaid, setting forth as well by whom debts are due to the State, as the amount of those debts. Comptroller to report to the Legislature.

III. It shall also be his duty to keep a book in which all appropriations by the Legislature shall be entered, with all the payments made under them, and to keep another book, properly indexed, in which he shall enter all contingent accounts allowed by the Legislature, and the time at which payment on the same shall be made. Comptroller shall keep a book in which appropriations &c. shall be entered.

A. D. 1834.  
 Persons holding public monies to report to Comptroller.

IV. That all persons having the distribution of public money, shall annually, on the first day of October in each and every year, render to the Comptroller-general an account, setting forth the funds committed to them respectively, and its expenditure, and the Comptroller-general shall examine the same, and report thereon to the Legislature; and it shall also be the duty of the said Comptroller-general to enter in books kept for that purpose, such a statement of these accounts respectively, as will enable him at any time to show how said accounts stand between the parties respectively.

Contingent accounts to be presented to Comptroller.

V. Every contingent account against the State shall hereafter be presented at the Comptroller-general's office, in Columbia or Charleston, on or before the first day of October in each year, and it shall be his duty to examine the same, and report thereon to the Legislature at its next sitting; and no such account shall be considered or acted on by the Legislature, before it has been examined and reported on by the Comptroller-general; \* and as a compensation for the additional duties required by this Act, he shall be entitled to receive five hundred dollars, in addition to the salary to which [he] is now entitled by law.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, and in the fifty-ninth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

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No. 2634. AN ACT to Incorporate the Durham Creek Rail Road Company.  
 (Passed December 17, 1834. *See last volume.*)

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No. 2635. AN ACT to authorize the formation of the Edgefield Rail Road Company.  
 (Passed December 17, 1834. *See last volume.*)

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No. 2636. AN ACT to incorporate the Charleston Cotton Seed Oil Manufacturing Company.  
 (Passed December 17, 1834. *See last volume.*)

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\* This clause of the law has never been regarded. Can one Legislature bind another in a matter of proceeding to investigate accounts?

A. D. 1834.

A BILL TO ALTER AND AMEND THE FOURTH ARTICLE OF THE CONSTITUTION OF THE STATE OF SOUTH CAROLINA. No. 2637.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the fourth article of the Constitution of this State shall be amended so as to read as follows, viz: Every person who shall be chosen or appointed to any office of profit or trust, before entering on the execution thereof shall take the following oath: "I do solemnly swear, (or affirm,) that I will be faithful, and true allegiance bear, to the State of South Carolina, so long as I may continue a citizen thereof; and that I am duly qualified, according to the constitution of this State, to exercise the office to which I have been appointed; and that I will, to the best of my abilities, discharge the duties thereof, and preserve, protect and defend the constitution of this State and of the United States. So help me God."

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-three. We certify that the above Bill has been read, during the present session, three times in the House of Representatives and three times in the Senate, and was agreed to by two-thirds of both branches of the whole Representation.

PATRICK NOBLE, *Speaker of the House of Representatives.*  
H. DEAS, *President of the Senate.*

In the Senate House, the sixth day of December, in the year of our Lord one thousand eight hundred and thirty-four, and in the fifty-ninth year of the Independence of the United States of America. We, the President of the Senate and Speaker of the House of Representatives, do certify that the foregoing Bill has been read three times, on three several days, in each House, and was agreed to by two-thirds of each House, by yeas and nays, in the terms of the Constitution of this State.

H. DEAS, *President of the Senate.*  
PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO PROVIDE FOR THE EDUCATION OF THE DEAF AND DUMB CHILDREN OF THIS STATE. No. 2638.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sum of twenty-five hundred dollars be, and the same is hereby, annually appropriated to defray the expenses of educating so many deaf and dumb persons, between the ages of twelve and twenty-five years, born of free white parents, citizens of this State, as shall apply to receive the benefit of this provision, and as shall be judged by the commissioners hereafter appointed, not able to meet out of their own means all the expenses of their support and education. Appropriation for education of the deaf and dumb.

II. That the Governor for the time being shall appoint two persons, one from the upper and the other from the lower division of this State, to remain in office until the expiration of his term of office, who, together with Governor to appoint commissioners.

A. D. 1834.

Power vested  
in comm'rs to  
draw appropri-  
ations, &c.

himself, shall constitute a board of commissioners, to be called the Commissioners of the deaf and dumb, of which board he shall be president.

III. That the commissioners for the deaf and dumb shall have power to draw the annual appropriation before mentioned, as it may be needed for the purposes of their trust; and shall, under arrangements to be made with "the Directors of the American Asylum at Hartford, Connecticut, for the education and instruction of the deaf and dumb," send to the said asylum for education, so many of the persons before described as can be supported by the annual appropriation before mentioned, and as they shall deem proper objects of public bounty.

Sum allowed  
for expenses of  
each student.

IV. That the sum which shall be allowed for the board, tuition and all incidental expenses of one deaf and dumb person, for one year, (except travelling expenses, clothing and medical attendance,) shall not exceed one hundred dollars; and as to the expenses excepted, the commissioners shall take care to place them upon the most economical scale.

How comm'rs  
shall act if the  
number of ap-  
plicants ex-  
haust the ap-  
propriation.

V. That the whole, or part of the expenses of the several applicants, shall be paid according to the opinion which the commissioners may form, as to the pecuniary condition of the applicants; and that in case of more applications than would exhaust the annual appropriation, the commissioners shall make selection according to their opinion of the deserts of the various applicants.

Comm'rs to re-  
port annually  
to the Legisla-  
ture.

VI. That the commissioners shall annually report to the Legislature an exact statement of their various proceedings during the past year, shewing precisely how they disbursed the money expended, the names of the persons who have received the bounty, the ages and places of residence of such persons, and information as to their progress; which statement shall be accompanied by the vouchers of all sums expended.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, and in the fifty-ninth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2639. AN ACT to amend the Laws in relation to Slaves and free persons of color.

(Passed December 17, 1834. See last volume.)

No. 2640. AN ACT TO RENEW THE CHARTER OF THE VILLAGE OF LANCASTER

Lancaster, re-  
incorporated.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the first, second, third, fourth and fifth sections of an Act, entitled "An Act to incorporate the village of Lancaster," passed on the eighteenth day of December, one thousand eight hundred and thirty, be, and the same are hereby, revived.

II. *And be it further enacted* by the authority aforesaid, That the following persons, to wit: Thomas L. Dunlap, Amasa Howard, Lewis Gill, Leroy Secrest and Minor Clinton, are hereby appointed commissioners of streets and markets of said village, to continue in office until the first Monday in January next, and until their successors be elected. A. D. 1834.  
Commissioners appointed.

III. *And be it further enacted* by the authority aforesaid, That the said commissioners and their successors in office, shall, for the time being, have exclusive power to grant or refuse licences for the retailing of spirituous liquors, upon the terms and conditions prescribed by law, within the corporate limits of the village of Lancaster; *provided*, that the proceeds arising from such licences shall be paid over by the said commissioners, to the commissioners of roads, for the district of Lancaster. Powers to grant licences.

IV. *And be it further enacted* by the authority aforesaid, That this Act shall be taken and deemed a public Act, and shall continue and be of force for the space of ten years.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, and in the fifty-ninth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT TO PREVENT No. 2641.  
THE PERNICIOUS PRACTICE OF DUELLING," PASSED ON THE EIGHTEENTH  
DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND TWELVE.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, in lieu of the fine and imprisonment imposed by the Act aforesaid, the following be, and the same are hereby, substituted, to wit: imprisonment not exceeding twelve months, and a fine not exceeding two thousand dollars. Penalty for being engaged in a duel.

II. That the clause of said Act which provides that any offender, convicted under the same, shall stand committed, "until he or they shall severally give ample security, to be approved of by one of the associate Judges of this State, in the sum of two thousand dollars, for his perpetual good behavior, and shall forever be disqualified from holding any office of honor, profit or trust, in or under this State, or from practising law, physic or divinity, within this State, or exercising any other trade, or profession, or calling whatever;" and also, so much of the said Act as gives one half of the fine to the informer, be, and the same are hereby, repealed. Clause of Act of 1812 repealed.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty four, and in the fifty-ninth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

A. D. 1834.

No. 2642. AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT ABOLISHING CERTAIN PUNISHMENTS, AND AMENDING THE LAW FOR THE TRIAL OF SLAVES AND FREE PERSONS OF COLOR," PASSED ON THE 19TH DAY OF DECEMBER, 1833.

I. *Be it enacted* by the Senate and House of Representatives, That from and after the passing of this Act, in all cases whatever wherein any slave, or free person of color, shall be convicted of any offence, not capital, it shall and may be lawful for the court before which such conviction shall take place, to punish the said offender by imprisonment: *Provided*, that nothing in this Act contained shall be construed to abolish any of the other punishments now provided by law in such cases.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty four, and in the fifty-ninth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2643. AN ACT MORE EFFECTUALLY TO PREVENT THE ILLICIT TRAFFIC IN COTTON, RICE, CORN OR WHEAT, WITH SLAVES AND FREE PERSONS OF COLOUR.

Penalty for purchasing cotton, rice, Indian corn, or wheat, from a slave.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of February next, if any shop-keeper or trader shall, directly or indirectly, purchase from any slave any cotton, rice, indian corn, or wheat, either with or without a permit, such shop-keeper or trader shall, for every such offence, upon conviction thereof, be fined in a sum not exceeding one thousand dollars, and be imprisoned for a term not exceeding twelve months nor less than one month.

What is evidence of purchase.

II. If any shop-keeper or trader shall receive any cotton, rice, Indian corn, or wheat, from any slave, he or she shall be presumed to have purchased the same, and the burthen of proof that the same was not purchased, shall lie on the person charged or accused.

The act of clerk or agent in the act of the principal.

III. In all cases of buying and selling any cotton, rice, Indian corn, or wheat, contemplated and included in the preceding sections of this Act, the act of the clerk or agent of any shop-keeper or trader, shall be considered the act of the shop-keeper or trader himself, and done by his authority; subject, however, to proof to the contrary.

Penalty for giving a permit to sell, without authority.

IV. If any person, other than the owner or individual having charge of any slave, or other person authorized by such owner or individual having charge as aforesaid, shall write or give such slave a permit, either in his own name or any other name, to sell or trade in any article or commodity, for the sale whereof or trading in which a permit is now required by law, he or she shall, if a white person, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not

exceeding one thousand dollars nor less than two hundred dollars, (one half whereof shall go to the informer,) and he or she shall be imprisoned not less than one month; and if a free person of color or slave, shall be whipped according to the discretion of the magistrates and freeholders before whom he or she is convicted.

V. That if any shop-keeper or trader, within the parishes of St. Philip's and St. Michael's, shall, directly or indirectly, purchase or receive from any free person of color residing within the said parishes, any cotton or milled rice, such shop-keeper or trader shall, for every such offence, upon conviction thereof, be liable to all the penalties imposed by this Act on shop-keepers or traders purchasing from slaves; unless such free person of color shall have the written permit of his guardian to sell such cotton or milled rice.

A. D. 1834.

Penalty for purchasing cotton or milled rice from free persons of color.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, and in the fifty-ninth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

#### AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT No. 2644. HUNDRED AND THIRTY-FOUR.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, for the use and service thereof; that is to say, thirty cents ad valorem on every hundred dollars of the value of all lands granted in this State; the sum of sixty cents per head on all slaves of every description; and the sum of two dollars on all free negroes, mulattoes, and mestizoos, between the ages of fifteen and fifty; (except such as shall be clearly proved, to the satisfaction of the collectors, to be incapable, from maims or otherwise, of providing a livelihood;) thirty cents ad valorem on every hundred dollars of the value of all lots, lands and buildings within any city, town, village or borough; including all lots, or portions of land, on which buildings may be erected, in the immediate vicinity of any city, town, village or borough, which may have been made, or shall hereafter be made, with a view to a city, town, village, or borough settlement, or as shall ordinarily be regarded as forming a part of any city, town, village, or borough in this State; and sixty cents per hundred dollars on factorage employments, faculties and professions, whether in the profession of the law the profits be derived from costs of suit, fees, or other sources of professional income, and on the amount of commissions received by vendue-masters and commission merchants, (clergymen, schoolmasters, schoolmistresses and mechanics, excepted;) to be ascertained and rated by the assessors and collectors throughout this State, according to the best of their knowledge and information; to be paid in specie, paper medium, or the notes of the specie paying banks in this State.

Tax to be raised on lands, negroes, &c. to be paid in notes of the incorporated Banks of this State, &c.

Faculties and Professions.

II. That the tax collectors of this State are authorized and required to issue their executions against all such free negroes, mulattoes, and mestizoos, as shall neglect or refuse to pay the tax imposed by this Act, directed

Tax collectors must issue executions.

A. D. 1834.

to the sheriffs of the said State, requiring them to sell, for a term not exceeding one year, the service of said free negroes, mulattoes, and mestizoes, to meet the payment of the tax imposed; *provided*, that the sheriff shall not sell the services of any free negro, mulattoe, or mestizoe, for a longer term than shall be necessary to pay and discharge the taxes due.

Absentees  
double taxed.

III. Any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay, for the use of the State, a double tax on the same; but this clause shall not be construed to extend to any person sent, or to be hereafter sent, abroad in the service of the State, or the United States, until one year after the expiration of his commission.

Tax on plays  
and shows.

IV. All persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of five dollars per day, before making such exhibitions; which sums shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay the same over into the public treasury annually; and in case of non-payment, the clerk of the court, or any justice of the peace or quorum, is hereby authorized and required to issue an execution, for double the amount of the tax, directed to any sheriff or constable of the district, against the body or goods of the person or persons liable to pay the said tax; provided, that nothing herein contained shall be construed to extend to any incorporated town or city.

Tax on stock  
in trade.

V. Sixty cents shall be levied on every hundred dollars worth of goods, wares and merchandize, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States, or territories thereof, excepted,) which any person shall use or employ as articles of trade, or for sale, barter or exchange, or have in his, her or their possession, on the first day of January, in the year of our Lord one thousand eight hundred and thirty-five, either on his, her or their own account, or purchased by his, her or their own capital, or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; to be assessed by the assessors and collectors throughout this State, according to the best of their knowledge and information; and every person or persons making return of such goods, wares or merchandize, to a tax collector, shall take the following oath or affirmation; "I, A. B. do solemnly swear, (or affirm) that the return which I now make, is, to the best of my knowledge and belief, a just and true return of the amount and value of all the goods, wares and merchandize, (the products of this State, and the unmanufactured products of any of the United States, or territories thereof, excepted,) which I held in my possession on the first day of January, one thousand eight hundred and thirty-five, for sale, barter or exchange, either on my own account, or upon borrowed capital, or on account of others, as agent, attorney or consignee. So help me God."

Oath.

Defaulting col-  
lectors to pay  
5 per cent a  
month.

VI. If any tax collector shall refuse or neglect to make his return, and pay the taxes, within the time specified by law, which had been received by him, it shall be the duty of the treasurer, within whose division such default shall be made, in addition to the coercive power which he now possesses, to charge the said collector with interest, at the rate of five per cent per month, from the time he ought to have made such return and paid the taxes, to the time of settlement.

VII. It shall be the duty of any sheriff or coroner in whose hands a tax execution shall be placed by a tax collector, to collect and pay over the

amount for which such execution shall issue, to the treasurer within whose division he may reside, within six months from the time he shall receive the same; and in default thereof, it shall be the duty of the treasurer to issue execution against such sheriff or coroner, for the whole amount expressed in such execution, with interest thereon, at the rate of five per cent. per month, from the time he should have paid the same: *Provided*, that sheriffs and coroners be allowed credit for nulla bona executions, as heretofore.

A. D. 1834.

Treasurer to  
issue execu-  
tions against  
Sheriffs and  
Coroners.

VIII. It shall be the duty of every taxable inhabitant of this State, who has, since the first day of October, in the year of our Lord one thousand eight hundred and thirty-three, and prior to the first day of October last, sold or transferred the possession of any real or personal property liable to tax, (except stock in trade,) to give information, at the time of making his next return, of such sale or transfer, and the name of the person to whom sold or transferred, to the tax collector of the district in which he may reside, to the end that the tax collector may be better enabled to collect the dues thereon.

Information to  
be given of  
property sold.

IX. No person shall open or keep any office for the sale of lottery tickets, in any other lottery than such as may be authorized by the laws of this State, unless such person shall have first paid to the tax collector of the parish or district a tax of two thousand dollars for such privilege; and if any person shall open or keep any office for the sale of lottery tickets, or shall sell, or offer for sale, any lottery tickets, without having paid the said tax, such person, on conviction thereof by indictment, shall forfeit and pay ten thousand dollars; and it shall be the duty of the tax collector of the district or parish in which such office shall be kept, or in which such lottery tickets shall be sold, or offered for sale, to prosecute all persons who shall offend against the provisions of this Act.

Tax on persons  
who sell  
Lottery tickets.

X. The treasurer of each division is hereby authorized and required to pay quarterly, at the end of each quarter, all appropriations made for and on account of any officer of this State, or other appropriation made within his division; except the officers of each branch of the Legislature, who shall be paid by the treasurer of the upper division, at the end of the session of the Legislature; and except the pay bills of the members of the Legislature, which shall be paid on presentment at either of the treasuries; and except the officers of the South Carolina College, who shall be paid, as heretofore, under their contract with the Board of Trustees, quarterly in advance; and it shall be the duty of either of the treasurers, whenever he shall make any payment, to take a duplicate receipt, and forward the same to the comptroller-general, with his monthly report.

Appropriations  
to be paid.

XI. If any transient person or persons not resident in this State, shall at any time sell, or expose for sale, any goods, wares or merchandize whatever, in any house, stall or public place, after the first day of January in each year, such person shall make return on oath, within ten days after commencing to sell as aforesaid, of the whole amount of the stock in trade he may have possessed at the time, to the tax collector of the district or parish in which the said goods, wares or merchandize shall have been or may be sold or exposed to sale; and if any person shall neglect or refuse to make such return as aforesaid, within the time prescribed above, he shall, on conviction thereof by indictment, forfeit and pay the sum of not more than one thousand dollars; unless such person shall have paid for and procured a license according to the provisions of an Act entitled "An Act to increase the price of license to hawkers and peddlars."

Goods of trans-  
ient persons  
taxed.

A. D. 1834.

Said tax to be collected within five days.

Penalty on tax collectors for not making returns.

Collectors to give notice.

Debt of John May, how to be collected.

XII. It shall be the duty of the tax collectors to proceed to collect, from such persons so selling as aforesaid, the tax required by law to be paid on stock in trade, within five days after receiving such return.

XIII. If any tax collector shall fail or neglect to require a return, on oath, of any person liable to the payment of taxes for the use of the said State, for his or her taxable property, as provided by law, such tax collector shall be liable to a penalty of two hundred dollars, to be recovered by indictment in any court of sessions; one half of which shall be paid into the treasury, for the use of the said State, and the remainder to the person who shall give information of such neglect and prosecute for the same.

XIV. It shall be the duty of every tax collector to give public notice of the day when he intends to close his books.

XV. The Comptroller-general is hereby required to allow John May, late sheriff of Colleton district, four years to pay the judgment obtained against him, for the State, upon condition that the said John May do pay one fourth of the amount on the first day of January, eighteen hundred and thirty-six, and one fourth on each January of the three succeeding years next thereafter; and upon the further condition that the said John May and the Comptroller-general do, on or before the first day of June next, ascertain the true amount due on said judgment, after allowing the said John May such credits as he may be entitled to, under a former Act of the General Assembly; and that the said John May do, on or before that day, deliver to the Comptroller-general, as collateral security for said debt, four notes, signed by two or more good surities, other than those on his sheriff's bond, each for one fourth of the amount so found due on said judgment, and payable to the Comptroller-general for the State, at the Bank of the State of South Carolina, in Charleston, at one, two, three and four years, the first to be due on the first of January, eighteen hundred and thirty-six; which notes shall not impair the force of the judgment aforesaid, nor the sheriff's bond of the said John May; *provided*, that before any indulgence shall be granted to the said John May by the Comptroller-general, the written consent of the surities upon his sheriff's bond to the indulgence herein granted, shall be filed in the office of the said Comptroller-general.

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, and in the fifty-ninth year of the Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2645. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-FOUR; AND FOR OTHER PURPOSES.

I. *Be it enacted* by the honorable the Senate and House of Representatives, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the public officers, and for the other expenses and purposes of Government:

For the salary of the Governor, three thousand five hundred dollars.

A.D. 1834.

For the rent of the Governor's house in Columbia, three hundred dollars.

For the private Secretary of the Governor, five hundred dollars.

For the Messenger of the Governor, two hundred and fifty dollars.

For the salaries of two Judges of the Court of Appeals, each three thousand dollars.

For the salary of one judge of the Court of Appeals, three thousand five hundred dollars.

For the salary of one Chancellor, three thousand five hundred dollars.

For the salary of one other Chancellor, three thousand dollars.

For the salary of one Judge of the Court of Common Pleas, two thousand five hundred and seventy-two dollars.

For the salaries of two Circuit Judges, each three thousand five hundred dollars.

For the salaries of three Circuit Judges, each two thousand five hundred dollars.

For the salary of the State Reporter, fifteen hundred dollars : Provided, that only one half that amount be paid to him, unless the said reporter shall print and publish the decisions of the Appeal Court, made during the time he shall act as such reporter, within twelve months after such decisions shall be made.

For the salary of the Attorney-General, nine hundred dollars.

For the salaries of the Circuit Solicitors, each seven hundred dollars.

For the salary of the Messenger of the Court of Appeals in Charleston, one hundred and fifty dollars.

For the salary of the Messenger of the same Court in Columbia, one hundred and fifty dollars.

For the pay of the Members of the Legislature, and the Solicitors, during the present session, eighteen thousand dollars, if so much be necessary.

For the salaries of the Clerks of the Senate and House of Representatives, each one thousand dollars, to be paid at the adjournment of the Legislature.

For the salaries of two Messengers and two Doorkeepers, each two hundred dollars, to be paid at the adjournment of the Legislature.

For the salary of the Keeper of the State House and Librarian, five hundred dollars.

For the salary of the Comptroller-general, fifteen hundred dollars.

For the salary of the clerk of the Comptroller-general, to be appointed by him and removable at his pleasure, seven hundred and fifty dollars.

For the salary of the Treasurer of the lower division, and for transacting the business of the loan office, and for clerk's hire, two thousand dollars.

For the salary of the Treasurer of the upper division, including clerk's hire, sixteen hundred dollars.

For the salaries of six Professors in the South Carolina College, each two thousand dollars.

For the salary of the Treasurer of the College, three hundred dollars.

For the salary of the Librarian of the College, Superintendent of the College buildings, and Secretary of the board of trustees, one thousand dollars : And the salaries of the Professors, Treasurer and Librarian, shall be paid by the Treasurer of the upper division, quarterly, in advance, their drafts being countersigned by the Treasurer of the College.

A. D. 1834.

For the commons and other incidental expenses of one student in College, from the Orphan House in Charleston, two hundred and sixty dollars; to be paid to the Cashier of the Branch Bank in Columbia, for the use of such student.

For the salary of the Adjutant and Inspector General, fifteen hundred dollars.

For the salary of the Arsenal keeper in Charleston, seven hundred dollars.

For the Arsenal keeper and powder receiver in Columbia, at the rate of four hundred dollars per annum.

For the salary of the Physician of the magazine guard and gaol in Charleston, four hundred dollars.

For the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars.

For the payment of pensions and annuities, twenty thousand dollars, if so much be necessary.

For the payment of the contingent accounts of the lower division, seven thousand six hundred dollars, if so much be necessary.

For the payment of the contingent accounts of the upper division, fourteen thousand dollars, if so much be necessary.

For the support of the transient poor of Charleston, payable to the city council, four thousand five hundred dollars, and the city council shall account to the Legislature for the expenditure thereof.

For the support of the transient poor of Georgetown, four hundred dollars, to be expended by the commissioners of the poor of Prince George Winyaw, who shall publish annually, in the nearest Gazette, the names of the transient poor, and the sums paid each, and return, annually, upon oath, to the comptroller-general, an account of their expenditures, to be submitted to the Legislature.

For the payment of claims, according to the report of the committee on claims, agreed on and adopted at the present session, ten thousand dollars, if so much be necessary.

For the salaries of the reading clerks of the Senate and of the House of Representatives, each one hundred and fifty dollars, to be paid at the end of the session.

For the Assessor of St. Philip's and St. Michael's, for making out and affixing the assessments to each return, eight hundred dollars.

For the salary of the Pilot of the bar and harbor of Georgetown, three hundred and twenty dollars.

For the city council of Charleston, for the execution of the quarantine laws, one thousand dollars.

For the insuring the buildings of the South Carolina College, five hundred dollars, if so much be necessary.

For public buildings, ten thousand dollars, if so much be necessary.

For the re-payment of double taxes, ordered by both branches of the Legislature to be refunded, four hundred dollars, if so much be necessary.

II. *Be it further enacted*, That the clerks of the court of appeals in Charleston and in Columbia, be allowed to draw their salaries quarterly, at the end of each quarter; the clerk at Columbia, from the treasurer of the upper division, and the clerk at Charleston, from the treasurer of the lower division, and the sum of six hundred dollars is hereby appropriated for that purpose.

For the salary of the Superintendent of public works, twelve hundred dollars.

Clerks of the Court of Appeals to draw salaries quarterly.

A. D. 1834.

For A. S. Johnston, Printer for the House of Representatives, for printing done at this session, thirteen hundred dollars.

For E. F. Branthwaite, printer for the Senate, for printing done for the Senate during this session, one thousand dollars, at the rising of the Legislature; and for printing the Acts, the Journals of both Houses, and Resolutions of the Legislature, with the Governor's Message, in pamphlet form, six hundred dollars; *provided*, that the pamphlets be printed and deposited in the office of the Treasurer of the upper division, at Columbia, on or before the twentieth day of February next; otherwise, the latter sum shall not be paid.

For medical accounts, as agreed to by both branches of the Legislature, two hundred dollars.

For the support of free schools, thirty-seven thousand dollars, if so much be necessary.

For the Regents of the Lunatic Asylum, as agreed to by both branches of the Legislature, at December session, 1833, the sum of three thousand dollars.

For the contingent fund, subject to the draft of the Governor, for the expenditure of which he shall submit an annual account to the Legislature, seven thousand six hundred and sixty dollars ninety-four cents.

The sum of six hundred and forty-one dollars to George Walker, as compensation for extra work on the Wateree Locks.

The sum of twelve hundred dollars to John Chappell, as compensation for his labor on Broad river, applied to public use.

The sum of five hundred dollars to Veal & Freshley, as the balance due to them on their contract for sluicing certain shoals on the Saluda river.

For repairing the College Edifices, twenty thousand dollars, if so much be necessary.

For repairs done to the fire-proof building in Charleston, and to repair the old Arsenal, as agreed to by both branches of the Legislature, five hundred and fifty dollars.

That twenty-four dollars thirty cents be paid to R. D. Blakely, for services rendered in summoning witnesses in the case of the contested election from Williamsburgh district.

For J. R. & W. Cunningham, for Stationary, ninety dollars seventy-five cents, agreeable to report, and concurred in.

For Benjamin Hart, for wood and so forth, three hundred and thirty-eight dollars seven cents, agreeable to report as concurred in.

That the commissioners of free schools for the district of Williamsburgh, and parish of St. George's Dorchester, and for Newberry district, be, and they are hereby, authorized to draw their proportion of the appropriation for free schools, upon their making their return to the satisfaction of the Comptroller-general.

For Military purposes, including the support of the Citadel and Magazine Guard in Charleston, the Arsenal and Magazine Guard in Columbia, printing digest of militia and patrol laws, repairing arms, arsenals and so forth, twenty-seven thousand dollars, if so much be necessary.

For Military Purposes.

For G. W. Williams, for repairs done to a field piece, seventeen dollars thirty-seven cents.

For A. Lawton, for work done on a field piece, one hundred and thirty-three dollars.

For the compensation of the commissioners appointed by the Governor, under a resolution of the Legislature, to treat with the Catawba Indians, one hundred dollars, if so much be necessary.

For the salary of the Superintendant of the fire proof building in Charleston, one hundred dollars.

A. D. 1834.

For the payment of witnesses in the contested election from York, three hundred and seven dollars sixty-nine cents, if so much be necessary.

For the purchase of books for the Legislative Library, five hundred dollars, if so much be necessary.

For William E. Harvey, special messenger of the House of Representatives, for summoning witnesses, by order of the committee of privileges and elections, one hundred and sixteen dollars and seventy-five cents.

For payment of witnesses, in the case of the return of the managers from Prince George Winyaw, one hundred and ninety-eight dollars.

In aid of keeping a ferry over Elliott's Cut, subject to the order of the commissioners of roads for St. Andrew's parish, one hundred dollars.

For the education of the deaf and dumb, as agreed to by the Bill passed at the present session, the sum of two thousand five hundred dollars.

For Jacob Warley, clerk of the Senate, for removing and arranging the papers in his office, by order of the Legislature, one hundred and fifty dollars, as recommended by a joint report, agreed to by both branches of the Legislature.

For Robert Anderson, clerk of the House of Representatives, for removing and arranging the papers in his office, by order of the Legislature, one hundred and fifty dollars, as recommended by a joint report, agreed to by both branches of the Legislature.

For the payment of F. W. Symmes, for printing, as agreed to by both branches of the Legislature, thirty-two dollars and fifty cents,

In the Senate House, the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, and in the fifty-ninth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

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No. 2646. AN ACT to reform and amend the Judiciary System of this State.

(Passed December 19, 1835. *See last volume.*)

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No. 2647. AN ACT to cause surveys for a Rail Road between Cincinnati and Charleston.

(Passed December 19, 1835. *See last volume.*)

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No. 2648. AN ACT to incorporate a Bank in the Town of Camden.

(Passed December 19, 1835. *See last volume.*)

A. D. 1835.

AN ACT TO VEST IN ANN MARSON TALVANDE THE RIGHT OF THE STATE IN CERTAIN REAL ESTATE IN THE CITY OF CHARLESTON. No. 2649.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State of South Carolina, in the real estate of Andrew Talvande, deceased, in the city of Charleston, be, and the same is hereby, vested in Ann Marson Talvande, her heirs and assigns, forever.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

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AN ACT further to provide for the Military Organization of this State. No. 2650.  
(Passed December 19, 1835. *See last volume.*)

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AN ACT to authorize the City Council of Charleston to shut up certain streets near the Market in Charleston; and for other purposes. No. 2651.  
(Passed December 19, 1835. *See last volume.*)

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AN ACT to incorporate Cokesbury School, at Cokesbury, in Abbeville District. No. 2652.  
(Passed December 19, 1835. *See last volume.*)

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AN ACT more effectually to prevent Free Negroes and other persons of color from entering into this State; and for other purposes. No. 2653.  
(Passed December 19, 1835. *See last volume.*)

A. D. 1835.  


No. 2654.

AN ACT to establish certain Roads, Bridges and Ferries.

(Passed December 19, 1835. *See last volume.*)  

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No. 2655. AN ACT to amend the Charter of the Edgefield Rail Road Company.

(Passed December 19, 1835. *See last volume.*)  

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No. 2656. AN ACT to alter and amend the fourteenth Section of an Act entitled "An Act to provide for the more effectual performance of Patrol Duty," passed on the eighteenth day of December, in the year of our Lord one thousand eight hundred and nineteen.

(Passed December 19, 1835. *See last volume.*)  

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No. 2657. AN ACT TO RELEASE TO THE VESTRY OF WAMBAW CHURCH IN ST. JAMES'S PARISH, SANTEE, ALL THE RIGHT OF THE STATE TO CERTAIN PROPERTY THEREIN MENTIONED.

1. *Be it enacted* by the Honorable the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State of South Carolina, in the personal property heretofore held by the vestry of Echaw church, in the parish of St. James Santee, be, and the same is hereby, released and vested in the vestry of Wambaw church, in the said parish, and their successors in office, for the use of the congregation of said church; *provided*, that nothing in this Act contained shall be construed to interfere with the private rights of any individual or corporation.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America,

H. DEAS, *President of the Senate.*PATRICK NOBLE, *Speaker of the House of Representatives.*  

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No. 2658. AN ACT to incorporate the Cincinnati and Charleston Rail Road Company.

(Passed December 19, 1835. *See last volume.*)

A. D. 1835.

## AN ACT TO AMEND THE PENSION LAW OF THIS STATE.

No. 2659.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That <sup>Repeal of Pen-</sup> the first section of an Act entitled "An Act for the regulation of the Pensioners of this State," be, and the same is hereby, repealed; and that the names of all the Revolutionary Pensioners of this State be stricken from the Pension Roll of this State, from and after the first day of March, which will be in the year of our Lord one thousand eight hundred and thirty-seven.

II. *And be it further enacted*, That it shall be the duty of the Treasurers of this State to notify each Pensioner of this State, in writing, on or before <sup>Treasurers's</sup> the first day of February, one thousand eight hundred and thirty-six, of the provisions of this Act, and of the Act passed for the regulation of the Pensioners of this State, in the year of our Lord one thousand eight hundred and thirty-four.

III. *And be it further enacted* That it shall be the duty of the Comptroller-general to make an annual report to this House, of the names of <sup>Comptroller's</sup> the Pensioners of this State.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

AN ACT to consolidate the first Company of the Charleston Ancient Battalion of Artillery, and the Jefferson Artillery, into one Company, and to incorporate the same; and for other purposes. No. 2660.

(Passed December 19, 1835. *See last volume.*)

AN ACT to incorporate the Charleston and Liverpool Line Packet Company. No. 2661.

(Passed December 19, 1835. *See last volume.*)

AN ACT to incorporate the American and German Trading and Insurance Company. No. 2662.

(Passed December 19, 1835. *See last volume.*)

A. D. 1835.

**No. 2663. AN ACT TO AMEND THE LAW IN RELATION TO GRANTING LICENCES TO RETAIL SPIRITUOUS LIQUORS; AND FOR OTHER PURPOSES.**

**I.** *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, That from and after the first of March next, it shall not be lawful for any corporate body, or the commissioners of the roads in their respective limits, to grant any license to retail spirituous liquors, unless the applicant for such license shall first enter into recognizance, with two substantial freeholders, who are residents of the district, as surities, in the penalty of one thousand dollars, and conditioned for the observance of all laws in force in regard to retailing spirituous liquors; and the recognizance so given shall be liable to be estreated for all fines imposed by the court, for any violation of said laws, of which the party shall be convicted by indictment.

**II.** Every vender or retailer of spirituous liquors, who shall clandestinely, or behind or within any screen, booth, or other place of concealment, exchange, give, deliver, sell or retail any spirituous liquors, shall, upon conviction, be fined in a sum not less than fifty dollars, nor more than two hundred dollars, according to the discretion of the presiding Judge.

**III.** *Be it further enacted*, That hereafter, the sum of fifty dollars shall be paid for a license to retail spirituous liquors, in lieu of the sum heretofore required by law.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

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**No. 2664. AN ACT to authorize the formation of the Barnwell Rail Road Company.**

(Passed December 19, 1835. *See last volume.*)

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**No. 2665. AN ACT to establish and incorporate a Bank in the Town of Hamburg.**

(Passed December 19, 1835. *See last volume.*)

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**No. 2666. AN ACT to establish a Company under the name of the Charleston and Philadelphia Steam Packet Company.**

(Passed December 19, 1835. *See last volume.*)

A. D. 1835.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CONCERNING HAWKERS AND PEDLARS," PASSED ON THE SEVENTEENTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND THIRTY-ONE. No. 2667.

I. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the first section of an Act passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, entitled "An Act to amend an Act concerning Hawkers and Pedlars," be so far amended, that the price of a license shall be one thousand dollars, instead of one hundred dollars, as therein provided. Price of license

II. *Be it further enacted* by the authority aforesaid, That if any hawker or pedlar, after the first day of March next, shall sell, or expose to sale, any goods, wares or merchandize, in any district in this State, without having obtained a lawful license for that purpose, according to the provisions of the Act aforesaid, as amended by this Act, such hawker or pedlar, on conviction thereof by indictment, shall forfeit and pay the sum of five thousand dollars, instead of the penalty imposed by the first section of the said Act. Penalty for selling without license.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

## AN ACT CONCERNING THE FREE SCHOOLS.

No. 2668.

I. *Be it enacted* by the Senate and House of Representatives, sitting in General Assembly, and by the authority of the same, That any person hereafter appointed, by the Legislature or the Board, a commissioner of free schools, who refuses to serve, shall be fined the sum of twenty dollars, to be recovered, for the use of the free schools of the district or parish, before any justice of the peace; provided, however, that no person shall be compelled to serve more than three years in six. Penalty for refusing to serve as Commissioner.

II. *Be it further enacted*, That any commissioner of free schools who, being notified thereof, shall neglect, without a sufficient excuse, to be allowed by the board, to attend a regular or special meeting of the board, shall be fined the sum of five dollars, which shall be recovered and applied in the manner expressed in the first section.

III. *Be it further enacted*, That on or before the first day of March next, the commissioners of free schools, in their respective districts and parishes, shall divide the district or parish into as many school divisions as in their discretion they may deem best; provided, that the number of school divisions shall not be less than the number of schools, if there be as many schools as commissioners, in the district or parish. Penalty for non-attendance.

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Neglect of  
duty.Teacher to be  
examined.Supervision of  
Trustees.Penalty for  
abuse of  
power.

IV. *Be it further enacted*, That one commissioner shall be appointed by the board, to superintend each of said school divisions, who shall be liable to the penalties hereinafter imposed for neglect of duty in respect of the schools under his charge.

V. *Be it further enacted*, That the board of commissioners in any district or parish, shall not employ a teacher until he shall have been first examined by the board, and found qualified for that duty.

VI. *Be it further enacted*, That each board of commissioners shall nominate and appoint three trustees to each school in their respective districts and parishes, whose duty it shall be, with the commissioner of the school division, to supervise the school submitted to their care, and recommend applicants for admission.

VII. *Be it further enacted*, That the commissioner of each school division, for neglect or abuse of the powers and duties entrusted to him by law, shall be liable to indictment, and, on conviction, shall be fined an amount not less than twenty dollars nor more than fifty dollars: And that for neglect of the powers and duties intrusted by law to the board of commissioners, they shall be liable to indictment; and, on conviction of one or more of said commissioners, he or they shall be severally fined a sum not less than twenty nor more than fifty dollars.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

No. 2669. AN ACT TO INCORPORATE CERTAIN TOWNS AND VILLAGES; TO AMEND THE CHARTERS OF CERTAIN OTHER VILLAGES; AND TO INCORPORATE CERTAIN SOCIETIES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons, citizens of the United States, who now own, or may hereafter own, dwelling houses in the town of Aiken, in Barnwell district, and those who may occupy such dwelling houses under lease, may be deemed, and are hereby declared, a body politic or corporate; and that the said town shall be called and known by the name of AIKEN, and its limits shall be held and deemed to extend for one mile on every side of the bridge at the rail road depository situated therein.

Intendant and  
wardens, how  
elected.

II. *Be it further enacted*, That the said town shall be governed by an Intendant and four Wardens, who shall be appointed in the first instance by the Delegation of Barnwell district, and shall continue in office until the second Monday in September next, on which day, as well as on the second Monday in September of every year thereafter, an election shall be held for an Intendant and four Wardens, (who shall always be freeholders within the limits of said town,) at such place as the Intendant and Wardens shall designate, ten days notice being previously given; and that all free white male inhabitants of the said town, who have attained the age of twenty-one years, and have resided therein three months previous to

the election, shall be entitled to vote for the said Intendant and Wardens; the election to be held from nine o'clock in the morning until three o'clock in the afternoon; and when the polls shall be closed, the managers shall proclaim the election, and give notice thereof, in writing, to the persons elected; and that the Intendant and Wardens for the time being shall always appoint three managers to hold the ensuing elections; that the Intendant and Wardens, before entering upon the duties of their offices, shall take the oath prescribed by the constitution of this State, and also the following oath, to wit: "As Intendant, or Warden, of Aiken, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes of my appointment. So help me God." A D. 1835.

III. *And be it further enacted*, That in case a vacancy shall occur in the office of Intendant, or any of the Wardens, by death, resignation, removal from office, or absence from the State, an election shall be held by the appointment of the Intendant and Wardens, or Wardens, as the case may be, ten days previous notice being given; and in case of the sickness or temporary absence of the Intendant, the Wardens, forming a council, shall be empowered to elect one of themselves to act as Intendant during the time. Vacancy.

IV. *And be it further enacted*, That the Intendant and Wardens, duly elected and qualified, shall, during their term of service, severally and respectively, be invested with all the powers of justices of the quorum of this State, within the limits of the said town; that the Intendant shall and may, as often as occasion may require, summon the Wardens to meet him in council, a majority of whom shall constitute a quorum for the transaction of business, and shall be known by the name of the "Town Council of Aiken;" and they, and their successors in office, may have a common seal, and shall have power and authority to appoint, from time to time, such and so many proper persons to act as constables, within their jurisdiction, according to law, as they shall deem expedient and proper; which constables shall have all the powers, privileges and emoluments, and be subject to all the duties, penalties and regulations, provided by the laws of the State for the office of constable; and the Intendant and Wardens, in council, shall have power, under their corporate seal, to ordain and establish all such rules, bye-laws and ordinances, respecting the streets, ways, markets and police of said town, as shall appear to them proper for the security, welfare and convenience of said town, and for preserving the health, peace, order and good government within the same; and the said council may affix fines for offences against such bye-laws and ordinances, and appropriate the same to the use of the corporation; but no fine shall exceed fifty dollars; and when fines exceed ten dollars, they may be recovered in the court of sessions for Barnwell district, and when they are of the amount of ten dollars or under, they may be recovered before the said Intendant and Wardens, in council: *Provided*, that nothing herein contained shall empower the said council to ordain or establish any bye-laws or ordinances inconsistent with or repugnant to the laws of the land; and all such bye-laws and ordinances shall, at all times, be subject to the revisal or repeal of the Legislature. Their powers.

V. *Be it further enacted*, That the said Intendant and Wardens shall have power to abate and remove nuisances within the said limits, and to classify and arrange the inhabitants liable to do patrol duty, and to require them to perform such duty as often as occasion may require, and to enforce the performance thereof under the same penalties as are now or

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may be hereafter established by law; and that the said Intendant and Wardens, or any one of them, upon view thereof, or upon complaint lodged on oath, are hereby required and authorized to issue warrants against all offenders, and cause them to be brought before them or him, and upon due examination, shall either release, admit to bail, if the offence be bailable, or commit to jail, such offenders, as the case may require; and the sheriff of Barnwell district is hereby required to receive and keep the persons so committed, until discharged by due course of law; and that the said Intendant and Wardens shall, collectively and severally, have cognizance within the said corporate limits, in all criminal cases, as justices of the peace and quorum have, according to law.

**Duty of Intendant and Wardens as to streets and roads.** VI. *Be it further enacted*, That it shall be the duty of the said Intendant and Wardens to keep all roads, streets and alleys within the said limits open and in good repair, and for that purpose they are invested with all the powers granted by law to the commissioners of roads; and for neglect of duty they shall be liable to the penalties imposed by law on commissioners of roads for like neglect.

**May compound for road work.** VII. *And be it further enacted*, That the said Intendant and Wardens shall have power to compound with persons liable to work on the said roads, streets and alleys, and to release such persons as may desire it, upon the payment of such sum of money as they may deem a fair equivalent therefor, to be applied by them to the use of said corporation; and no person residing within said limits shall be liable to work on any road without the said limits, or be taxed or assessed for the same.

**Renewal of incorporation of Spartanburgh.** VIII. *Be it further enacted*, That the Act passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, entitled "An Act to incorporate the village of Spartanburgh," be, and the same is hereby, revived, and shall remain of force for ten years from the passage of this Act, and until the next session of the Legislature thereafter; and that all fines and monies arising from licences for taverns, for retailing spirituous liquors, and licenses for billiard tables, within the corporate limits of said village, be, and they are hereby directed to be, paid to the Intendant and Wardens thereof, to be by them appropriated to the uses of the corporation.

**All incorporated towns, &c., may collect taxes on shows, &c.** IX. *Be it further enacted*, That the Intendant and Wardens of all incorporated towns and villages, shall have power to collect the taxes from all persons representing, publicly, within their respective corporate limits, for gain or reward, any plays or shows, of what nature or kind soever, which have hitherto been payable to the clerk of the court of said district, to be used for the purposes of the said corporations respectively.

**Amendment to incorporation of Barnwell.** X. *Be it further enacted*, That the sixth section of an Act entitled "An Act to incorporate the village of Barnwell," and ratified on the eighteenth day of December, in the year of our Lord one thousand eight hundred and twenty-nine, be altered and amended so as to read as follows: That it shall be the duty of the said Intendant and Wardens to keep all public highways, streets and alleys, within the said limits, open and in good repair; and for that purpose they are invested with all the powers granted by law to commissioners of roads; and that the hands liable to perform said duty are hereby exempted from working on the roads beyond the said limits; and the said Intendant and Wardens, for any neglect of duty, shall be liable to the penalties imposed by law on the commissioners of roads for the like neglect.

**How fines shall be collected.** XI. *Be it further enacted*, That all the fines inflicted by the Town Council of Barnwell shall be collected by a *feri facias*, or if that be returned *nulla bona*, by a *capias ad satisfaciendum*, which, if not paid, may

be discharged by schedule and assignment, according to the provisions of the prison bounds Act, after five days notice to the Intendant.

A. D. 1835.

XII. *Be it further enacted*, That Duff Green and his associates, and their successors, shall be, and they are hereby, incorporated and made a body politic, by the name and style of "The American Literary Company," and shall have power to raise by subscription, in shares of fifty dollars each, a capital of two hundred and fifty thousand dollars, with the privilege of increasing the same to five hundred thousand dollars; and as soon as five hundred shares shall be subscribed, the individuals above named, or any of them, may, by public notice of ninety days, given in one or more of the public newspapers in Columbia and Charleston, call a meeting of the stockholders of the said company, for an election of five directors, each of whom shall be a stockholder, to be voted for by the said stockholders, according to their respective shares, in person or by proxy; the said individuals above named, or any three of them, to be inspectors and judges of such first election; and the said directors, when elected, shall choose out of their number a president; and the directors of the said company shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of said company, and shall appoint three of the stockholders, not being directors, as inspectors of such election; said directors shall continue in office until such election be completed, and shall at all times have power to make bye-laws for the government of said company, not repugnant to the constitution and laws of this State or the United States; and shall also have power to call in said stock, from time to time, in such instalments as they shall think necessary, not exceeding ten dollars on each share, by giving public notice as aforesaid, and to declare forfeited to the said company the stock, with all previous payments made thereon, of all such stockholders as shall neglect or refuse to pay their instalments upon their respective shares, as shall be required to be paid as above; *Provided*, previous notice of ninety days shall have been given to each delinquent stockholder.

American Literary Company.

XIII. *And be it enacted*, That elections for directors of said company shall be by ballot; and if the directors for the time being of said company shall at any time neglect or refuse to give notice, as in the twelfth section of this Act is directed, for the election of directors, that then, upon such neglect or refusal, the stockholders, or a majority of them, may, within the time in such case prescribed by law, give notice, and call such meeting, and elect directors in like manner as if the said directors had given notice, as by this Act is required; and if at any election for directors, two or more persons voted for shall receive an equal number of votes, then the directors for the time being shall determine, by ballot, which of the said persons so having an equal number of votes shall be director or directors, as shall be required to complete such election; and upon the death or resignation of any of the said directors, the remaining directors shall choose, from among the stockholders, some person or persons to fill such vacancy or vacancies, who shall hold his or their office until the next annual election shall be complete.

Election of directors.

XIV. *And be it enacted*, That the said directors, before they enter on the duties of their office, shall severally take and subscribe an oath or affirmation, faithfully and honestly to promote the interests of the said company; and they may appoint a secretary, treasurer, and such other officers and agents as they may from time to time deem necessary or useful, with such compensation as they may think adequate; and require from such officers or agents, as well an oath or affirmation of fidelity, as such bonds and security for their good conduct as may to them appear reasonable and proper.

Their powers.

- A D. 1835.  
May hold property.
- XV. *And be it enacted*, That the said company may, for the purpose of promoting the manufacture of such articles which are not prohibited by the laws of this State, buy, rent, take and hold, or otherwise become seized and possessed of, and hold, all such lands, tenements, and water power, and other real and personal estate, as may be necessary and useful for the purposes aforesaid, and the same may improve, and use or sell, let, or otherwise dispose of, as they may deem proper: *Provided*, that they shall occupy none of the public streets, lanes or alleys of any incorporated town or city, with their said improvements, without previously procuring the consent of the common council thereof, regularly expressed by ordinance; and the said company, by their corporate name, may sue and be sued, plead and be impleaded, in all courts whatsoever; may have a common seal, and alter and renew the same at pleasure; and shall have, enjoy and exercise, all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this Act.
- Of profits.
- XVI. *And be it enacted*, That a dividend of the profits of the said company, except so much thereof as may be set apart for a surplus fund, shall be semi-annually made by the said directors, among the stockholders; and the books of the said company shall at all times be open for the inspection of the stockholders; *provided*, that no dividends be made except from the actual profits of the said company.
- XVII. *And be it enacted*, That the stock of the said company shall be personal property, and transferable upon the books of the said company; and that no part of the funds of the company shall be used for banking purposes.
- Term of charter.
- XVIII. *Be it further enacted*, That this charter shall continue of force until the first day of March, one thousand eight hundred and sixty-four, and no longer; and that during that time, upon any departure from, or violation of, the provisions of this Act, the Legislature may repeal, alter, or modify the same, as in their opinion the public good may require.
- Societies incorporated.
- XIX. *Be it further enacted*, That all persons who are now, or may hereafter become, members or stockholders in the following societies and associations, to wit: "The South Carolina Society for the Advancement of Learning," "The South Carolina Jockey Club," "The Columbia Jockey Club," "The Pendleton Jockey Club," "The Lime Stone Springs Company," "The Male and Female Academies in the village of Anderson," "The Ladies Ursuline Community of the city of Charleston," "The Sisters of our Lady of Mercy," of the same place, "The Deacons and Elders of St. Paul's Church," Newberry district, the members of "Mount Olivet Church," in Fairfield district, the members of "Purity Church," in the district of Chester, the members of "The Presbyterian Church of John's Island and Wadmalaw," the members of "The First Creek Baptist Church," in Anderson district, "The Board of Trustees for the aid of poor, disabled and superannuated ministers, or their families, within the bounds of the Presbytery of Harmony," the members of "The Associate Reformed Synod of South Carolina," "The Members of the Lebanon Church," of the district of Abbeville—be bodies politic and corporate, by the name and style to each respectively above assigned.
- Northern Volunteers.
- XX. *Be it further enacted*, That the officers and members of the Northern Volunteers be, and they are hereby declared, a body politic and corporate, with all the rights and privileges of similar military corps, the same to continue during the pleasure of the State.
- Powers.
- XXI. The societies and associations aforesaid, by their respective names, shall have succession of offices and members, according to their respective

bye-laws; and shall have power, respectively, to make bye-laws, not repugnant to the laws of the land; to have, keep and use a common seal, and the same to alter at will; to sue and be sued, to plead and be impleaded, in any court of this State; and to have and enjoy every right incident to incorporation.

A. D. 1835.

XXII. They are also empowered to retain, possess and enjoy all such property as they may now respectively be possessed of, or entitled to, or which shall hereafter be given, bequeathed to, or in any manner acquired by, them; and to sell, alien, or in any way transfer the same, or any part thereof; *provided*, the amount of property so held, or stock invested, shall in no case exceed ten thousand dollars; except the "South Carolina Society for the Advancement of Learning," which shall be entitled to hold property to the amount of sixty thousand dollars. May hold property.

XXIII. *Be it further enacted*, That an Act entitled "An Act to incorporate the village of Greenville," passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-one, be, and the same is hereby, renewed, and continued of force for the term of four years from the passing of this Act, and until the end of the next session of the Legislature thereafter; *provided*, that the monies paid for licences within the said village, shall be paid hereafter to the commissioners of the roads for Greenville district. Renewal of Act incorporating Greenville.

XXIV. *And be it further enacted* by the authority aforesaid, That the village at Darlington court house, in Darlington district, be, and the same is hereby, incorporated, by the name of Darlington, with the following limits, viz: on the north east and east sides by Swift Creek, on the west, by the branch nearest to the court house, which empties on the said west side into Swift Creek, and on the south, south east, and south west sides, by a line beginning at the last mentioned branch, one mile from the said court house, and running in such course as to preserve, as nearly as may be, the said distance of the [one] mile from the said court house, until it strikes the said Swift Creek, or the creek into which that falls, at a point one mile from said court house, on the east side thereof. *And be it further enacted*, That the said village shall be governed and regulated, and have the same powers and privileges, as are provided above in relation to the village of Aiken, except that the Intendant and Wardens shall be elected on the first day of January next, by the residents within the said limits, now entitled to vote for members of the Legislature, and on the first day of each successive January. Incorporating Darlington.

XXV. *Be it enacted*, That James E. Henry, Leonard Hill, James Nesbit, jr. Simpson Bobo, and others, who now are or hereafter may be members of the Spartanburg Cotton Manufacturing Company, be, and the same are hereby declared, a body corporate and politic, by the name and style of "The Spartanburg Cotton Manufacturing Company," with a capital stock of one hundred thousand dollars; and that the said company be, and they are hereby, invested with the same corporate rights, powers and privileges as are granted to the Saluda Manufacturing Company, by an Act entitled "An Act to incorporate the Saluda Manufacturing Company," passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four. Government the same as Aiken.

XXVI. *Be it enacted*, That a company shall be incorporated, with a capital of two hundred thousand dollars, to navigate by steam the waters between Columbia and Charleston, under the style of the Columbia Steam Boat Company. The said company to be composed of the following individuals, and their associates, viz: John McLean, John S. Lott, James Boatwright, James D. Tradewell, B. T. Hopkins, R. Caldwell, John Spartanburg Cotton Manufacturing Company.

Columbia Steam Boat Company.

A. D. 1835.

**Camden Steam Boat Company** Caldwell, Matthew Crawford, L. R. McMillan, jr., P. Solomon, L. Powell and L. Levy, jr., to have and enjoy all the powers, privileges and immunities declared and set forth in the twenty-first section of this Act, and all such other rights as may in any wise belong or be incidental to incorporations; *provided*, that nothing herein contained shall be construed so as to confer on said company exclusive right to navigate by steam the waters between Columbia and Charleston, or to impair the rights of individuals, or other bodies corporate, to navigate said waters. And that a company, to consist of Thomas Salmond, Christopher Matheson, Charles J. Shannon, and their associates, with like powers and privileges, and with a capital stock of two hundred thousand dollars, be, and the same is hereby, incorporated, to navigate by steam the waters between Camden and Charleston, under the style of the "Camden and Charleston Steam Boat Company," whose charter shall continue in force for fourteen years.

**Greenwood Association.**

XXVII. *Be it enacted*, That the President, Vice President and Members of the Greenwood Association of Abbeville district, for the Promotion of Education, be, and are hereby constituted, a body corporate and politic, upon the same terms with the societies and associations mentioned in the twenty-first section of this Act, with the right to hold, to the uses and for the ends of their incorporation, one third of all lands which may hereafter escheat to the State in said district; *provided*, that the value of such lands shall not exceed ten thousand dollars; and said company shall be known by the corporate name of the "Greenwood Association of Abbeville District, for the Promotion of Education."

**Aveleigh Church.**

XXVIII. *Be it further enacted*, That John Johnston, sen. John Garmany, sen. David Boozer, David Griffith, David Clarey and Robert Maffett, Esqrs. be incorporated by the style of "The Trustees of Aveleigh Church," for the purposes set forth in a deed, conveying a lot of land for the use of said Church, from Robert Boyce to Chancellor Johnston, dated the seventh of September, 1835, and recorded by the register of mesne conveyances for Newberry, the first of October 1835; that a majority of said Trustees have power to act, and to supply vacancies in their body, occasioned by death, resignation or removal from the district of Newberry; and that the said corporation be authorized to receive and hold real and personal property of the net value, at the time of conveying the same, of ten thousand dollars.

**St. Peter's Church.**

XXIX. *Be it further enacted*, That so much of an Act entitled "An Act to incorporate certain societies," passed on the nineteenth day of December, eighteen hundred and thirty-three, as restricts the amount of property held or to be acquired by "The St. Peter's Church of Charleston," to the amount of ten thousand dollars, be, and the same is hereby, repealed; and said church shall have power to acquire and hold property to the amount of sixty thousand dollars.

**Iron Steam Boat Company**

XXX. *And be it further enacted*, That G. B. Lamar, Amory Sibley, David L. Adams, Isaac R. St. John, Joseph H. Burroughs, and such other persons as now are or may be hereafter associated with them, for the conveyance of passengers and the transportation of produce, goods, wares and merchandize, in iron and other steam and tow boats, on the Savannah river, and along the coast of this State, be a body corporate and politic, with a capital stock of one hundred thousand dollars, and with the privilege of increasing the same to five hundred thousand dollars, under the name of the Iron Steam Boat Company; and the said company, by its proper name, shall have succession of officers and members, to be chosen according to the bye-laws thereof; and shall have power to make and alter bye-laws for its government, not repugnant to the laws of the land; to

have, use and keep a common seal, and the same to alter at will; to sue and be sued, to plead and be impleaded, in any court of this State; to establish agencies at all such places as may be necessary for the management of their business; to take, have and hold any estate, real or personal, which may be necessary for the convenient transaction of their business, or for the collection and satisfaction of their debts and demands, and for no other purpose; and the said estate to alien and dispose of at pleasure; and the said company shall have every other right incident to a corporation, and be subject, in the transportation of produce, goods, wares and merchandize, to all the duties and liabilities of common carriers; *provided*, that nothing herein contained shall be so construed as to confer any exclusive privilege.

A. D. 1835.

XXXI. *Be it further enacted*, That Wilson Nesbit and his associates, and their successors, be incorporated, under the name and style of [the] Nesbit Iron Manufacturing Company, with a capital of one hundred thousand dollars, with the like powers and privileges as are now possessed and enjoyed by the South Carolina Manufacturing Company, of Spartanburgh district.

Nesbit Manufacturing Company.

XXXII. *And be it further enacted*, That the Intendant and Wardens of the Town Council of Edgefield shall hereafter have the exclusive power of granting licenses for the retail of spirituous liquors, within the limits of the said corporation; and the money collected by them shall be paid over to the commissioners of roads, bridges and ferries.

Town Council of Edgefield.

XXXIII. *And be it further enacted*, That the funds remaining in the hands of the commissioners of public buildings for Anderson district, which arose from the sale of lots in the village of Anderson, be paid over to the trustees of the Male and Female Academies of Anderson Village: And that all the right, title and interest of the State of South Carolina, in the real estate once held by the Trustees of the Varennes Academy, in the district of Anderson, be, and the same is hereby, vested in the board of the trustees of the Male and Female Academies of Anderson Village, in further aid of said Academies.

Male and Female Academies of Anderson Village.

XXXIV. *Be it further enacted* by the authority aforesaid, That this Act shall be and continue of force for the term of fourteen years, and from thence until the adjournment of the next ensuing session of the Legislature.

Term of characters.

In the Senate House, this nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

# AN ACT TO INCORPORATE THE TOWN OF HAMBURG; AND FOR OTHER PURPOSES.

No. 2670.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all persons, citizens of the United States, having resided three months in the said town of Hamburg, shall be deemed, and are hereby declared to be, a body politic and corporate;

Hamburg incorporated.

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and the said town shall hereafter be deemed, and is hereby declared to be, a town corporate, and shall be called and known by the name of the town of HAMBURG; that the corporate limits of the said town shall include all the territory contained in the following limits, viz: the Western side of the Savannah River shall be the line for a half mile below and a half mile above the intersection of Centre and Market streets; the Eastern line shall be one mile in length, extending from the point where Centre street, produced in a straight direction for one mile will terminate, a half mile in each direction perpendicular to the said street so produced; the Northern line shall be a straight line from the Northern point of the Western to the Northern point of the Eastern line; the Southern line shall be a straight line from the Southern point of the Eastern to the Southern point of the Western.

Streets to be permanent.

II. *And be it further enacted* by the authority aforesaid, That the streets, lanes and alleys, within the corporate limits of said town of Hamburg, as represented in a plan of said town, drawn and made out on the twenty-third day of February, eighteen hundred and thirty-five, by Thomas Anderson, a deputy surveyor, shall be fixed and permanent; and that the said plan shall be deposited in the Secretary of State's office, as a perpetual memorial of the same.

Commissioners appointed.

III. *And be it further enacted* by the authority aforesaid, That James Hubbard and John B. Covington be appointed commissioners to ascertain the corporate limits of said town, and that they return a plat thereof to the office of the Secretary of the State.

To be governed by an Intendant and six Wardens.

IV. *And be it further enacted* by the authority aforesaid, That an election for an Intendant and six Wardens, shall be held on the second Monday in February next, and that W. A. Young, Robert Anderson, and G. H. Hill, or any two of them, be managers thereof; and on the second Monday in February in every year thereafter, at some convenient public place, in the said town of Hamburg; and that every free white male inhabitant of said town of Hamburg, being a citizen of this State, of the age of twenty-one years and upwards, and who has resided six months, immediately preceding the election, within the town of Hamburg, or has, at the time of the election, a free-hold estate within the same, shall be entitled to vote for the said Intendant and Wardens, who shall be residents and free-holders in said town.

Ten days notice to be given of election for Intendant and Wardens.

V. *And be it further enacted* by the authority aforesaid, That the Intendant and Wardens for the time being shall give ten days public notice of such election as aforesaid, and appoint the place for holding it, and procure persons for managing and conducting the same; and the said managers, after the election is closed, shall make a return to the Intendant for the time being, of the persons chosen Intendant and Wardens for the ensuing year; and the said Intendant for the time being, shall give immediate notice to the several persons elected, of their respective election; and when as soon after as the said Intendant and Wardens shall be elected as aforesaid, and before entering upon the discharge of the duties of his or their office, he or they shall, respectively, take the oaths prescribed by the constitution of this State, and the following oath or affirmation, viz: "as Intendant and Wardens of the town of Hamburg, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to carry into effect the purposes for which I have been elected—so help me God." And the official powers of the Intendant and Wardens, for the time being, shall not cease and determine until the oaths or qualification shall have been taken by a quorum of their successors in office.

VI. *And be it further enacted* by the authority aforesaid, That in case of the death of the Intendant, his resignation, refusal to serve, removal from office, or absence from the State, or in case of any irregularity in, or failure of, the election, the Wardens shall, thereupon, appoint a time for choosing another, and give ten days public notice of the same; and in case of the death, resignation, refusal to serve, removal or absence from the State, or irregularity in, or failure in, the election of any of the Wardens, the Intendant shall give the like notice of an election for the purpose of filling such vacancy; and if any person on being elected Intendant shall refuse to act as such, he shall forfeit and pay to the Town Council, for the use of the said town, the sum of thirty dollars; and if any person, on being elected Warden, shall refuse to act as such, he shall forfeit and pay to the Town Council the sum of twenty dollars, for the use of the said town; *Provided*, that no person that has attained the age of sixty years shall be compelled to serve in either of the said offices; nor shall any other person be compelled to serve more than one year in any term of three years. *And provided also*, that no person shall be eligible to either of the said offices oftener than three successive years, in any term of five years.

A. D. 1835.

Vacancies how  
to be filled.

VII. *And be it further enacted* by the authority aforesaid, That the intendant shall and may, as often as occasion may require, summon the wardens to meet together, any two of whom, with the intendant, shall constitute a quorum to transact business; and they, with the intendant, shall be known by the name of, and are hereby declared to be, the Town Council of the Town of Hamburg; and they, and their successors hereafter to be elected, may have a common seal, and may purchase, have, hold, possess, receive, enjoy and retain, to them and their successors, in perpetuity, or for any term of years, any estate or estates, real or personal, and of what nature or kind soever, not exceeding the sum of fifty thousand dollars; and may sell, alien, exchange, or lease the same, or any part thereof, as they may think proper; and, by the same name, may sue and be sued, plead or be impleaded, answer or be answered unto, in any court of law or equity in this State.

May have a  
common seal  
and hold pro-  
perty.

VIII. *And be it further enacted* by the authority of the same, That the said town council shall have the sole power of granting billiard table, tavern, and retailing licences, within the limits of said corporation, and to appropriate the monies arising therefrom to the use of the corporation; and that the said intendant and wardens shall have full power and authority to levy such a tax on the lands, negroes, free persons of color, stock in trade, drays, carts, horses, mules and hogs, and in general on all and every kind of property, both real and personal, within the corporate limits of said town, as they may deem advisable for the defraying the expenses of, and the maintaining and protecting, the said corporation; *provided*, that no more taxes shall be levied by the said council than are absolutely necessary for the purposes aforesaid.

Licences, &amp;c.

IX. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the said Intendant and Wardens to keep all roads, streets and alleys, within the said limits, open and in good repair; and for that purpose they are invested with all the powers granted by law to the commissioners of roads; and for neglect of duty they shall be liable to the penalties imposed by law on commissioners of roads for like neglect.

Streets to be  
kept open.

X. *And be it further enacted* by the authority aforesaid, That the said Town Council shall have power to compound with persons liable to work on the said roads, streets and alleys, to release such persons as may desire it, upon the payment of such sum of money as they may deem a fair

To compound  
with persons  
liable to road  
duty.

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equivalent therefor, to be applied by them to the use of said corporation ; and no person residing within said limits shall be liable to work on any road without the said limits or be taxed or assessed for the same.

Power and du-  
ties of the  
Town Council.

XI. *And be it further enacted* by the authority aforesaid, That the Town Council shall have full power and authority to make and establish, and, when they see fit, to alter, all such rules, by-laws and ordinances, respecting the streets, lanes and alleys, public buildings, markets, weights and measures, the assize, prices and inspection of bread, the cording and measuring of fire-wood, public houses, billiard tables, retailers of spirituous liquors, fire engines and buckets, disorderly places, and free persons of color ; and, in general, every other by-law and regulation that shall appear to them requisite and necessary for the health, security, good government and welfare of said town ; *provided*, that nothing herein contained shall authorize the said Town Council to make any by-laws inconsistent with or repugnant to the laws of the land ; and that all by-laws and regulations which they may make, shall at all times be subject to the revisal or repeal of the Legislature.

To appoint a  
clerk and  
marshal.

XII. *And be it further enacted* by the authority aforesaid, That the said Town Council shall have full power and authority to appoint, annually, two fit and proper persons to act as clerk and marshal for the said corporation, and shall allow to each one such a salary as they may deem just and reasonable ; that the said marshal shall have all the powers and privileges, and be subject to all the duties, penalties and regulations, provided by the laws of this State for the office of constable.

To be justices  
of the peace  
ex-officio.

XIII. *And be it further enacted* by the authority aforesaid, That the Intendant and each of the Wardens for the time being, shall be vested with all the powers and authority with which, by the laws of this State, justices of the peace are vested, and shall and may exercise the same in every part of the said Town.

Repealing  
clause.

XIV. *And be it further enacted* by the authority aforesaid, That an Act entitled "An Act to incorporate the Town of Hamburg, and for other purposes," passed on the nineteenth of December, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the United States of America, be, and the same is hereby, repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

# No. 2671. AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-FIVE.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, for the use and service thereof ; that is to say, thirty cents ad valorem on every hundred dollars of the value of all lands granted in this State ; the sum of sixty cents

Tax to be  
raised on lands,  
negroes, &c. to  
be paid in notes  
of the incorpo-  
rated Banks of  
this State, &c.

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per head on all slaves of every description; and the sum of two dollars on all free negroes, mulattoes, and mestizoes, between the ages of fifteen and fifty; (except such as shall be clearly proved, to the satisfaction of the collectors, to be incapable, from maims or otherwise, of providing a livelihood;) thirty cents ad valorem on every hundred dollars of the value of all lots, lands and buildings, within any city, town, village or borough; including all lots, or portions of land, on which buildings may be erected, in the immediate vicinity of any city, town, village or borough, which may have been, or shall hereafter be, made with a view to a city, town, village, or borough settlement, or as shall ordinarily be regarded as forming a part of any city, town, village, or borough in the State; and sixty cents per hundred dollars on factorage employments, faculties and professions, whether in the profession of the law the profits be derived from costs of suit, fees, or other sources of professional income, and on the amount of commissions received by vendue-masters and commission merchants, (clergymen, schoolmasters, schoolmistresses and mechanics, excepted;) to be ascertained and rated by the assessors and collectors throughout this State, according to the best of their knowledge and information; to be paid in specie, paper medium, or the notes of the specie paying banks in this State.

Faculties and Professions.

II. The tax collectors of this State are authorized and required to issue their executions against all such free negroes, mulattoes, and mestizoes, as shall neglect or refuse to pay the tax imposed by this Act, directed to the sheriffs of the said State, requiring them to sell, for a term not exceeding one year, the service of said free negroes, mulattoes, and mestizoes, to meet the payment of the tax imposed; *provided*, that the sheriff shall not sell the services of any free negro, mulattoe, or mestizoe, for a longer term than shall be necessary to pay and discharge the taxes due.

Tax collectors must issue executions.

III. Any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay, for the use of the State, a double tax on the same; but this clause shall not be construed to extend to any person sent, or to be hereafter sent, abroad in the service of this State, or the United States, until one year after the expiration of his commission.

Absentees double taxed.

IV. All persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of five dollars per day, before making such exhibitions; which sums shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay the same into the public treasury annually; and in case of non-payment, the clerk of the court, or any justice of the peace or quorum, is hereby authorized and required to issue an execution, for double the amount of this tax, directed to any sheriff or constable of the district, against the body or goods of the person or persons liable to pay the said tax; provided, that nothing herein contained shall be construed to extend to any incorporated town or city.

Tax on plays and shows.

V. Sixty cents shall be levied on every hundred dollars worth of goods, wares and merchandize, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States, or the territories thereof, excepted,) which any person shall use or employ as articles of trade, or for sale, barter or exchange, or have in his, her or their possession, on the first day of January, in the year of our Lord one thousand eight hundred and thirty-six, either on his, her or their own account,

Tax on stock in trade.

## STATUTES AT LARGE

A. D. 1835.

Oath.

or purchased by his, her or their own capital, or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; to be assessed by the assessors and collectors throughout this State, according to the best of their knowledge and information; and every person or persons making return of such goods, wares and merchandize, to the tax collector, shall take the following oath or affirmation; "I, A. B. do solemnly swear, (or affirm) that the return which I now make, is, to the best of my knowledge or belief, a just and true return of the amount and value of all goods, wares and merchandize, (the products of this State, and the unmanufactured products of any of the United States, and territories thereof, excepted,) which I held in my possession on the first day of January, one thousand eight hundred and thirty-six, for sale, barter or exchange, either on my own account, or upon borrowed capital, or on account of others, as agent, attorney or consignee. So help me God."

Defaulting collectors to pay 5 per cent a month.

VI. If any tax collector shall refuse or neglect to make his return, and pay the taxes, within the time specified by law, which had been received by him, it shall be the duty of the treasurer, within whose division such default has been made, in addition to the coercive power he now possesses, to charge the said collector with interest, at the rate of five per cent per month, from the time he ought to have made such return and paid the taxes, to the time of settlement.

Treasurer to issue executions against Sheriffs and Coroners.

VII. It shall be the duty of any sheriff or coroner in whose hands the tax executions shall be placed by the tax collector, to collect and pay over the amount for which such execution shall issue, to the treasurer within whose division he may reside, within six months from the time he shall receive the same; and in default thereof, it shall be the duty of the treasurer to issue execution against such sheriff or coroner, for the whole amount expressed in such execution, with interest thereon, at the rate of five per cent. per month, from the time he should have paid the same: *Provided*, that sheriffs and coroners be allowed credit for nulla bona executions, as heretofore.

Information to be given of property sold.

VIII. It shall be the duty of every taxable inhabitant of this State, who has, since the first day of October, in the year of our Lord one thousand eight hundred and thirty-four, and prior to the first day of October last, sold or transferred the possession of any real or personal property liable to tax, (except stock in trade,) to give information, at the time of making his next return, of such sale or transfer, and the name of the person to whom sold or transferred, to the tax collector of the district in which he may reside, to the end that the tax collector may be better enabled to collect the dues thereon.

Tax on persons who sell Lottery tickets.

IX. No person shall open or keep any office for the sale of lottery tickets, in any other lottery than such as may be authorized by the laws of this State, unless such person shall have first paid to the tax collector of the parish or district a tax of two thousand dollars for such privilege; and if any person shall open or keep any office for the sale of lottery tickets, or shall sell, or offer for sale, any lottery tickets, without having paid the said tax, such person, on conviction thereof by indictment, shall forfeit and pay ten thousand dollars; and it shall be the duty of the tax collector of the district or parish in which such office shall be kept, or in which such lottery tickets shall be sold, or offered for sale, to prosecute all persons who shall offend against the provisions of this Act.

Appropriations to be paid.

X. The treasurer of each division is hereby authorized and required to pay quarterly, at the end of each quarter, all appropriations made for and on account of any officer of this State, or other appropriation made within his division; except officers of each branch of the Legislature, who

shall be paid by the treasurer of the upper division, at the end of the session of the Legislature; and except the pay bills of the members of each branch of the Legislature, which shall be paid on presentment at either of the treasuries; and except the officers of the South Carolina College, who shall be paid, as heretofore, under their contract with the Board of Trustees, quarterly in advance; and it shall be the duty of either of the treasurers, whenever he shall make any payment, to take a duplicate receipt, and forward the same to the comptroller-general, with his monthly report.

A. D. 1835.

XI. If any transient person or persons, not resident in this State, shall at any time sell, or expose for sale, any goods, wares or merchandize whatever, in any house, stall or public place, after the first day of January in each year, such person shall make return on oath, within ten days after commencing to sell as aforesaid, of the whole amount of the stock in trade he may have possessed at the time, to the tax collector of the district or parish in which the said goods, wares or merchandize shall have been or may be sold or exposed to sale; and if any person shall neglect or refuse to make such return as aforesaid, within the time prescribed above, he shall, on conviction thereof by indictment, forfeit and pay the sum of not more than one thousand dollars; unless such person shall have paid for and procured a license according to the provisions of an Act entitled "An Act to increase the price of license to hawkers and pedlars."

Goods of transient persons taxed.

XII. It shall be the duty of the tax collectors to proceed to collect, from such persons so selling as aforesaid, the tax required by law to be paid on stock in trade, within five days after receiving such return.

Said tax to be collected within five days.

XIII. If any tax collector shall fail or neglect to require a return to be made on oath, of any person liable to the payment of taxes for the use of the said State, for his or her taxable property, as provided by law, such tax collector shall be liable to a penalty of two hundred dollars, to be recovered by indictment in any court of sessions; one half of which shall be paid into the treasury, for the use of the said State, and the remainder to the person who shall give information of such neglect and prosecute for the same.

Penalty on tax collectors for not making returns.

XIV. It shall be the duty of the tax collector to give public notice of the day he intends to close his books.

Collectors to give notice.

In the Senate House, on the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

## AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-FIVE; AND FOR OTHER PURPOSES. No. 2672.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for the payment of the public officers, and for the other expenses and purposes of Government:

Appropriations

For the salary of the Governor, three thousand five hundred dollars.

A. D. 1835.

For the rent of the Governor's house in Columbia, three hundred dollars.

For the private Secretary of the Governor, five hundred dollars.

For the Messenger of the Governor, two hundred and fifty dollars.

For the salary of one Judge of the Court of Common Pleas, two thousand five hundred and seventy-two dollars.

For the salaries of two Circuit Judges, three thousand five hundred dollars each.

For the salaries of three Circuit Judges, two thousand five hundred dollars each.

For the salary of the State Reporter, fifteen hundred dollars : Provided, that only one half that amount be paid to him, unless the said reporter shall print and publish the decisions of the Appeal Court, made during the time he shall act as such reporter, within twelve months after such decisions shall be made.

For the salary of the Attorney-General, nine hundred dollars.

For the salaries of the Circuit Solicitors, each seven hundred dollars.

For the salary of the Messenger of the Court of Appeals in Charleston, one hundred and fifty dollars.

For the salary of the Messenger of the same Court in Columbia, one hundred and fifty dollars.

For the pay of the Members of the Legislature, and the Solicitors, during the present session, eighteen thousand dollars, if so much be necessary.

For the salaries of the Clerks of the Senate and House of Representatives, each one thousand dollars, to be paid at the adjournment of the Legislature.

For the salaries of two Messengers and two Doorkeepers, each two hundred dollars, to be paid at the adjournment of the Legislature.

For the salary of the Keeper of the State House and Librarian, five hundred dollars.

For the salary of the Comptroller-general, two thousand dollars.

For the salary of the clerk of the Comptroller-general, seven hundred and fifty dollars, to be appointed by him and removable at his pleasure.

For the salary of the Treasurer of the lower division, and for transacting the business of the loan office, and for clerk's hire, two thousand dollars.

For the salary of the Treasurer of the upper division, including clerk's hire, sixteen hundred dollars.

For the salary of the President of the South Carolina College, three thousand dollars.

For the salaries of six Professors in the South Carolina College, each two thousand dollars.

For the salary of the Treasurer of the College, five hundred dollars.

For the Librarian of the College, six hundred dollars.

For the Secretary of the Board of Trustees of the College, two hundred dollars.

For the salary of the Marshal of the College, four hundred dollars.

And the salaries of the Professors, Treasurer and Librarian, shall be paid by the Treasurer of the upper division, quarterly, in advance, their drafts being countersigned by the Treasurer of the College.

For the commons and other incidental expenses of one student in College, from the Orphan House in Charleston, two hundred and sixty dollars ; to be paid to the Cashier of the Branch Bank in Columbia, for the use of such student.

For the salary of the Adjutant and Inspector General, fifteen hundred dollars.

A: D. 1835.

For the salary of the Arsenal keeper in Charleston, seven hundred dollars.

For the Arsenal keeper and powder receiver in Columbia, at the rate of four hundred dollars per annum.

For the salary of the Physician of the gaol and magazine guard in Charleston, four hundred dollars.

For the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars.

For the payment of pensions and annuities, twenty thousand dollars, if so much be necessary.

For the payment of the contingent accounts of the lower division, four thousand six hundred and fifty dollars, if so much be necessary.

For the payment of the contingent accounts of the upper division, fourteen thousand dollars, if so much be necessary.

For the support of the transient poor of Charleston, payable to the city council, four thousand five hundred dollars, and the city council shall account to the Legislature for the expenditure thereof.

For the support of the transient poor of Georgetown, four hundred dollars, to be expended by the commissioners of the poor for Prince George Winyaw, who shall publish annually, in the nearest Gazette, the names of the transient poor, and the sums paid each, and return, annually, on oath, to the Comptroller-general, an account of their expenditures, to be submitted to the Legislature.

For the payment of claims, according to the report of the committee on claims, agreed on and adopted at the present session, ten thousand dollars, if so much be necessary.

For the salaries of the reading clerks of the Senate and of the House of Representatives, each one hundred and fifty dollars, to be paid at the end of the session.

For the Assessor of St. Philip's and St. Michael's, for making out and affixing the assessments to each return, eight hundred dollars.

For the salary of the Pilot of the harbor and bar of Georgetown, three hundred and twenty dollars.

For the city council of Charleston, for the execution of the quarantine laws, one thousand dollars.

For the insuring the buildings of the South Carolina College, five hundred dollars, if so much be necessary.

For public buildings, ten thousand dollars, if so much be necessary.

II. That the clerks of the court of appeals in Charleston and in Columbia, be allowed to draw their salaries quarterly, at the end of each quarter; the clerk at Columbia, from the treasurer of the upper division, and the clerk at Charleston, from the treasurer of the lower division, and the sum of six hundred dollars is hereby appropriated for that purpose.

Clerks of the Court of Appeals to draw salaries quarterly.

For the salary of the Superintendent of public works, twelve hundred dollars.

For A. S. Johnston, Printer of the House of Representatives, for printing done at this session, thirteen hundred dollars.

For S. Weir, printer for the Senate, for printing done for the Senate at this session, one thousand dollars, to be paid at the rising of the Legislature; and for printing the Acts, the Journals of both Houses, and Resolutions of the Legislature, with the Governor's Message, in pamphlet form, six hundred dollars; *provided*, that the pamphlets be printed and deposited

A. D. 1835. in the office of the Treasurer of the upper division, at Columbia, on or before the twentieth day of February next; otherwise, the latter sum shall not be paid.

For medical accounts, as agreed to by both branches of the Legislature, two hundred dollars.

For the support of free schools, twenty-seven thousand dollars, if so much be necessary.

For the contingent fund, subject to the draft of the Governor, for the expenditure of which he shall submit an annual account to the Legislature, seven thousand six hundred and sixty dollars.

For the Superintendant of the fire proof building in Charleston, one hundred dollars.

For the purchase of books for the Legislative Library, five hundred dollars, if so much be necessary.

In aid of keeping a ferry over Elliott's Cut, subject to the order of the commissioners of roads for St. Andrew's parish, one hundred dollars.

For the education of the deaf and dumb, as agreed to by the Bill passed at the last session, the sum of twenty-five hundred dollars.

For the widow of Robert Anderson, late Clerk of the House of Representatives, the amount of his salary, \$1000.

For J. R. & W. Cunningham, for Stationary for the Senate, ninety dollars twenty-five cents, agreeable to report, and concurred in.

For the erection of a building with two tenements, for the accommodation of two Professors in the South Carolina College, ten thousand dollars, if so much be necessary, to be drawn out and expended by Wm. F. Desaussure, James Gregg, Edward Fisher, F. H. Elmore, and D. J. M'Cord, commissioners hereby appointed for that purpose.

For the extension of the West wing of the Lunatic Asylum, to be drawn and expended by the Regents of the Asylum, hereby appointed commissioners for that purpose, eight thousand dollars.

For the support of the Arsenal and Magazine Guard in Charleston, sixteen thousand five hundred dollars, if so much be necessary.

For repairing the Arsenal in Charleston, seven thousand dollars, if so much be necessary.

For purchasing a Lot, and erecting an Arsenal, in Columbia, ten thousand dollars, if so much be necessary.

For the salary of the Quarter-master-general, five hundred dollars.

For purchasing Military Books, printing and distributing military documents, providing tents for the use of the Militia, and other contingent military expenses, five thousand dollars, if so much be necessary.

For George Gill, for repairs done on the carriage of a field piece, eight dollars and fifty cents.

That twenty-five hundred dollars be appropriated for Dr. Thomas Cooper, for his services as compiler of the Digest of the Statutes of South Carolina—and the sum of five hundred dollars, for the services of a clerk to be employed by him.

For the salary of one Circuit Judge, three thousand dollars.

For the salary of two Chancellors, three thousand five hundred dollars each.

For the salaries of two Chancellors, each three thousand dollars.

For Thomas P. Miller, for a tax twice paid, seven dollars and fifty cents.

For John J. Frierson, for a tax twice paid, ten dollars and sixty-five cents.

For building a gaol for Fairfield district, ten thousand dollars.

One thousand dollars to be paid to Professor Nott, for his services as President pro tempore of the South Carolina College, during the last year. A D. 1835.

To John Westbrook, and David Martin, one hundred dollars each.

For alterations to the Laboratory, and additions to the apparatus, one thousand dollars.

For rent of two houses for Professors of the South Carolina College, six hundred dollars.

That eight hundred and forty-seven dollars and sixteen cents, be appropriated to William Gregg, for curtains to the Speaker's Window, when the same are delivered to the House Keeper of the State House, in good order.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-five, and in the sixtieth year of the Sovereignty and Independence of the United States of America.

H. DEAS, *President of the Senate.*

PATRICK NOBLE, *Speaker of the House of Representatives.*

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AN ACT to authorize the President, Directors, and Company, of the No. 2673.  
State Bank, to increase its Capital.

(Passed December 21, 1836. *See last volume.*)

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AN ACT in relation to Mitchell's Alley, in the City of Charleston. No. 2674.

(Passed December 21, 1836. *See last volume.*)

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AN ACT to authorize the City Council of Charleston to Tax the No. 2675.  
Income of persons resident without the said City, derived from  
business conducted within the City.

(Passed December 21, 1836. *See last volume.*)

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AN ACT to authorize the City Council of Charleston to close Amen No. 2676.  
Street in Charleston; and for other purposes.

(Passed December 21, 1836. *See last volume.*)

A. D. 1836.

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No. 2677. AN ACT to increase the Jurisdiction of the City Court of Charleston ; and for other purposes.

(Passed December 21, 1836. *See last volume.*)

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No. 2678. AN ACT to establish a Company under the name of the Savannah and Charleston Steam Packet Company.

(Passed December 21, 1836. *See last volume.*)

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No. 2679. AN ACT to amend the Charter of the Louisville, Cincinnati and Charleston Rail Road Company.

(Passed December 21, 1836. *See last volume.*)

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No. 2680. AN ACT to alter and amend the Charter of the City of Charleston ; and for other purposes therein mentioned.

(Passed December 21, 1836. *See last volume.*)

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No. 2681. AN ACT to Organize the Courts of this State.

(Passed December 21, 1836. *See last volume.*)

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No. 2682. AN ACT to Incorporate the Charleston Insurance and Trust Company.

(Passed December 21, 1836. *See last volume.*)

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No. 2683. AN ACT to establish and incorporate a Bank in the Town of Georgetown.

(Passed December 21, 1836. *See last volume.*)

A. D. 1836.

**AN ACT TO VEST IN CERTAIN PERSONS THE RIGHT OF THE STATE IN CERTAIN REAL ESTATE IN CHARLESTON DISTRICT; AND FOR OTHER PURPOSES.** No. 2684.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and interest of the State of South Carolina, in the real estate of which John Anthony, of Charleston district, died seized and possessed, be, and the same is hereby, released to and vested in his widow, Mary Anthony, her heirs and assigns, forever.

II. *And be it further enacted* by the authority aforesaid, That all the right, title and interest of the State of South Carolina, in the real estate of Elizabeth Milwood, late of Charleston, deceased, lying in the city of Charleston, be, and the same are hereby, vested in Rebecca Artope and her heirs, forever.

III. *And be it further enacted*, That the children of Moses Irvin and Harriet, his wife, shall be, and they are hereby, authorized to take by descent, or devise, or purchase, the estate of the said Moses Irvin, and to follow the condition of their father, Moses Irvin.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty six, and in the sixty-first year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

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**AN ACT to confer Banking Privileges on the Stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions.** No. 2685.

(Passed December 21, 1836. *See last volume.*)

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**AN ACT further to provide for the Military Organization of this State.** No. 2686.

(Passed December 21, 1836. *See last volume.*)

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**AN ACT to Incorporate the Charleston Hotel Company.**

No. 2687.

(Passed December 21, 1836. *See last volume.*)

A. D. 1836.



No. 2688. AN ACT for the better regulating of the Fire Department in the City of Charleston.

(Passed December 21, 1836. *See last volume.*)

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No. 2689. AN ACT to Incorporate certain Companies.

(Passed December 21, 1836. *See last volume.*)

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No. 2690. AN ACT for the Incorporation of the General Mining Company of South Carolina.

(Passed December 21, 1836. *See last volume.*)

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No. 2691. AN ACT establishing a line beyond which the Wharves shall not be extended in the City of Charleston; and for other purposes.

(Passed December 21, 1836. *See last volume.*)

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No. 2692. AN ACT to renew the Charter of the St. Patrick's Benevolent Society of Charleston, South Carolina.

(Passed December 21, 1836. *See last volume.*)

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No. 2693. AN ACT to authorize the formation of the Sumter and Darlington Rail Road Company.

(Passed December 21, 1836. *See last volume.*)

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No. 2694. AN ACT to establish certain Roads, Bridges, and Ferries.

(Passed December 21, 1836. *See last volume.*)

A. D. 1836.

## AN ACT TO INCREASE THE PAY OF GRAND AND PETIT JURORS.

No. 2695.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That hereafter, every grand and petit juror, entitled to pay, shall be paid one dollar and fifty cents per day, instead of the sum heretofore allowed by law.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixty-first year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. D. WARDLAW, *Speaker of the House of Representatives.*

## AN ACT TO ALTER AND AMEND THE PENSION LAW OF THIS STATE. No. 2696.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the the same, That the first Section of the Act entitled "An Act for the regulation of the Pensioners of this State," passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and thirty-four, be, and the same is hereby, repealed; and that the first Section of an Act entitled "An Act to amend the Pension Law of this State," passed on the nineteenth day of December, in the year of our Lord 1835, be, and the same is hereby, repealed. For repeal of former Acts.

II. That the names of all the Revolutionary Pensioners of this State, that were on the pension roll of this State at the times of the ratification of the Acts aforesaid, that have been struck off, or would have been struck off, the said pension roll, be restored to and continued on the said pension roll, except the names of such persons as have been placed and are now on the pension roll of the United States of America. Restoring pensioners.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixty-first year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

## AN ACT to Incorporate certain Societies, and to renew and amend the Charters of certain Villages. No. 2697.

(Passed December 21, 1836. *See last volume.*)

A.D. 1836.

**No. 2698. AN ACT TO INCREASE THE PENALTY FOR GIVING A TICKET OR PERMIT TO ANY SLAVE, UNDER CERTAIN CIRCUMSTANCES.**

1. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person shall give a ticket or written permit to any slave, the property, or being under the charge of another, without the consent, or against the will of the owner, or other person having the charge of such slave, authorizing such slave either to be absent, or to deal, trade or traffic, such person shall be liable to be indicted, and on conviction, be punished by fine, not exceeding one thousand dollars, and be imprisoned not exceeding twelve months; the entire fine thus imposed to be given to the informer.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixty-first year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

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**No. 2699. AN ACT TO INCREASE THE NUMBER OF THE COMMISSIONERS OF FREE SCHOOLS FOR LEXINGTON DISTRICT.**

1. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the number of commissioners of free schools for Lexington district, be increased, to twelve, instead of five, the number now allowed by law.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixty-first year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

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**No. 2700. AN ACT REQUIRING MAGISTRATES AND OTHER OFFICERS TO RETURN RECOGNIZANCES AND OTHER DOCUMENTS FOR THE COURTS OF SESSIONS; AND FOR OTHER PURPOSES.**

Magistrates to  
return papers  
to Clerk 10  
days before  
Court.

1. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all magistrates before whom recognizances of witnesses, defendant or prosecutor, for their respective appearances at any of the courts of sessions for this State shall be taken, or before

whom any information or other paper returnable to the same shall be made, shall lodge the said recognizances, information or other papers, in the respective clerks' offices of the courts to which they are returnable, at least ten days before the meeting of the said courts respectively; and on their failure so to do, that they shall not receive any fee or compensation for issuing or taking the same, unless it shall appear that the offence has been committed or the information made subsequent to such day, or by the return of the sheriff, constable or other officer executing such warrant or other process, to be made on oath, that the same could not be executed by him in time therefor, being subject to the payment of a fine of five dollars for every such default, within the discretion of the court, to whom a rule thereof shall be made returnable. A. D. 1836.  
Penalty.

II. *Be it further enacted*, That in all cases where such default shall arise from the neglect or improper delay of the sheriff, constable or other officer, charged with the execution of any warrant or other process pertaining to the court of sessions, he shall in like manner forfeit the fees to which he would otherwise be entitled, and be subject to like penalty as prescribed in the foregoing clause. Sheriff and Constable.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixty first year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

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AN ACT to change the place of holding the Courts for Beaufort district, No. 2701. and for building a Court House and Gaol at Gillisonville.

(Passed December 21, 1836. *See last volume.*)

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AN ACT TO INCREASE THE POWERS OF THE TOWN COUNCIL OF CAMDEN IN RELATION TO TAXATION; AND FOR OTHER PURPOSES. No. 2702.

*Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the town council of Camden shall have the power to impose an annual tax on such wagons, drays, carts, or other vehicles, as may be employed to haul for hire, for more than one day at a time, within the limits of the said corporation, whether such wagons, drays, carts or other vehicles as aforesaid, belong to residents or non-residents within the limits of the said Town; *provided*, that the said tax on each wagon aforesaid, drawn by three or more horses, shall [not] exceed five dollars; on each wagon drawn by less than three horses, not exceeding three dollars; on each dray or cart, drawn by one or more horses, not exceeding one dollar and fifty cents; and the said town council shall have power to impose an annual tax, not exceeding two dollars, on each pleasure carriage, commonly used within the limits of the said corporation; Powers of Council.

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*A.D. 1836.* *Provided always,* that transient wagons, drays, carts or other vehicles, and transient pleasure carriages, shall not be subject to the aforesaid taxation.

II. *Be it further enacted,* That the said town council of Camden shall have power to impose upon each free negro, resident within the limits of the said corporation, an annual capitation tax, not exceeding three dollars.

III. That the said town council of Camden shall have power to adopt such rules and regulations as may be necessary to carry fully into effect the powers herein granted.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixty-first year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

No. 2703.

#### AN ACT CONCERNING VAGRANTS.\*

Keeping a  
bawdy or gam-  
ing house.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, if any person shall, within ten miles of the South Carolina College, keep any house as a bawdy-house, or house of common prostitution, or shall reside in, or be an inmate of, such house, or shall be supported or gain a maintenance by common prostitution, or shall keep or use any house as a house for gaming, or shall aid or assist in keeping such house, or shall keep any faro-bank, or other device for gaming, every such person as aforesaid shall be proceeded against as a Vagrant; and upon conviction of any of the offences above enumerated, shall be deemed a Vagrant, and either enter into recognizance to the State in the sum of two thousand dollars, with two good and sufficient sureties (who shall be freeholders) in the sum of one thousand dollars each, to be taken and approved before the Clerk of the Court of Richland district, conditioned not to offend against the provisions of this Act for the space of three years, or in default thereof shall be forthwith committed to the gaol of the district, to be dealt with as a vagrant.

Fine.

II. If any person, after having given bond as aforesaid, shall again, within the limits before prescribed, keep any bawdy-house, house of common prostitution, or house for gaming, either with cards or by any other game or device, such person shall be subject to indictment therefor, and, on conviction, shall be fined, for every day such offence is proved to have been committed, not exceeding one thousand dollars, and be imprisoned not exceeding twelve months.

How offender  
may be prose-  
cuted.

III. That any justice of the peace or quorum is hereby authorized and required, upon the written requisition of the Faculty of the South Carolina College, through their presiding officer, or of the Solicitor of the

\* See 1 Ed. 6, ch. 3. As to who were Vagrants before the Constitution, see vol. 5, 41. 2 Brevard, 319. Grimke, P. Laws, 31. In the case of the State Ex Rel. Coleman vs. Maxcy & Arthur, Justices, the Court of Appeals on the question being made, held this Act to be Constitutional. See Record Book, 1 vol. State Cases, 104, May, 1838, Columbia.

A. D. 1836.

Circuit wherein the same is situated, suggesting the name of any offender against the provisions of this Act, and any witnesses necessary to the investigation, forthwith to issue warrants to bring before him such offender and witnesses; and if, upon investigation before such justice, sufficient evidence shall appear to satisfy him that further proceedings are warranted, a court shall be organized as in other cases for the trial of vagrants, before which such offender shall be tried and dealt with, as hereinbefore directed; and it shall be the duty of every sheriff and constable to whom any process for the enforcement of this Act may be directed, to execute the same with all practicable despatch according to its mandate; and he shall, when required, return on oath his proceedings thereon.

IV. That upon conviction in case of indictment for any offence specified in this Act, the tax costs of the solicitor recoverable from the defendant shall be three hundred dollars, to be used by him as a fund for defraying the expenses incurred in enforcing the provisions of this Act. How tax cost shall be appropriated.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixty-first year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

# AN ACT TO PROVIDE FOR THE RECEPTION AND DISPOSITION OF SO No. 2704.

MUCH OF THE SURPLUS REVENUE OF THE UNITED STATES, AS MAY BE APPORTIONED TO THIS STATE, UNDER THE ACT OF CONGRESS IN SUCH CASE MADE AND PROVIDED.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the State of South Carolina will receive such portion of the money of the United States of America as may be apportioned to the said State under the Act of Congress entitled "An Act to regulate the Deposites of the public money," approved on the twenty-third day of June, in the year of our Lord one thousand eight hundred and thirty-six, on the terms specified therein. Acceptance of surplus.

II. That the Comptroller-general be, and he is hereby, authorized and required, to receive, for and on behalf of this State, the respective dividends of said money, payable to the same, in pursuance of the aforesaid Act of Congress; and to execute, for and on behalf of the said State, such certificate as may be prescribed by the Secretary of the Treasury of the United States, in pursuance of the direction of the said Act of Congress. Comptroller to give certificate for the same.

III. That the Comptroller-general be, and he is hereby, authorized and required, upon receiving any portion of the said money, forthwith to cause the same to be deposited in the Bank of the State of South Carolina, to the credit of the State, which shall not be considered a part of the capital of the said Bank, but shall be banked upon and employed like the capital of the said Bank, according to the usages and customs of the Bank, until it may be withdrawn by requisition, according to the provisions of the aforesaid Act of Congress, or otherwise disposed of by authority of law. To be deposited in Bank of the State.

A. D. 1836.

Bank to pay  
requisition of  
U. States.

IV. That the said Bank shall pay over to any requisition by the United States, made in pursuance of the aforesaid Act, such portion of the said Surplus Revenue as may be so required: *Provided* the said requisition shall not exceed the amount of the said Surplus Revenue then in possession of said Bank, (and not otherwise appropriated by law.)

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixty-first year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

No 2705.

AN ACT TO AMEND THE LAW AS TO INSOLVENT DEBTORS.

Creditor may  
cross examine  
insolvent  
debtor.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the creditor or creditors of any person applying for the prison bounds Act, insolvent debtors Act, or any other Act now of force, or hereafter to be passed, for the relief of insolvent debtors or imprisoned debtors, either in person or by attorney, to examine and cross examine such applicant, on oath, in the presence of the judge, or commissioner of special bail, as the case may be, before whom he shall move for his discharge from imprisonment, touching the truth of his schedule, and touching the nature and extent of his property, rights and credits, liable to be assigned for the benefit of his creditors. And the refusal of any such applicant to answer, fully and directly, all or any proper questions put to him in the course of such examination, shall prevent his discharge, if otherwise entitled thereto, until he shall have fully answered the same.

Must produce  
his books.

II. And if on such his examination, it should appear that he has kept books, in relation to his trade, profession or occupation, he shall be required to produce the same, if in his possession or power, and on failure to do so, he shall be deprived of his discharge until he shall produce the same.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixty-first year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

No. 2706. AN ACT to alter the name and amend the Charter of the Nesbit Iron Manufacturing Company.

(Passed December 21, 1836. *See last volume.*)

A. D. 1836.

AN ACT TO VEST THE REAL ESTATE OF ANN HUTCHINSON IN CHARLES P. MULLINS AND ANN P. DAVENPORT. No. 2707.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title and claim which the State may have to the real estate whereof Ann Hutchinson, late of Charleston, deceased, was seized and possessed, be vested in Charles P. Mullins and Ann P. Davenport, equally to be divided between them and their heirs and assigns.

In the Senate House, the twenty first day of December, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixty-first year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

AN ACT TO PREVENT THE HARBORING OF DESERTED SEAMEN, AND TO PROTECT SAILORS FROM THE FRAUDULENT PRACTICES OF THEIR LANDLORDS. No. 2708.

I. *Be it enacted*, by the Senate and the House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That if any person shall, either on ship-board or on shore, harbor or secrete a seaman who shall have signed an agreement to proceed on a voyage, or shall have deserted or absented himself without leave from the captain of the ship or vessel to which he may belong, under such agreement, every person so offending, shall, for every such seaman so harbored or secreted, forfeit and pay the sum of fifty dollars, one half whereof shall go to the informer; and upon a second conviction, the person so offending, if the keeper of a public or lodging house for seamen; in addition to the penalty before provided, shall forfeit his or her license. And in case any such seaman, or any boy apprenticed on board any ship or vessel, shall be harbored, secreted or detained, it shall be lawful for any justice of the peace, upon complaint, on oath, made by the master of the said ship, or on his behalf, to inquire into the matter, and if he shall see right, by warrant under his hand and seal, to cause search to be made into any place wherein the said seaman or apprentice may be harbored or secreted, and to cause such seaman or apprentice to be restored to the master of the said ship. Penalty for secreting seamen

II. It shall not be lawful for any keeper of a public or lodging house for seamen, at any time to recover from any seaman any debt exceeding one dollar; and no debt exceeding said sum, incurred by any seaman to any other person, shall be recoverable after he has signed an agreement to proceed on a voyage, until such voyage shall have been concluded. Seaman's debts.

III. It shall not be lawful for any of keeper of a public or lodging house for seamen, to withhold or detain any chest, bed or bedding, clothes, tools, or other effects of any seaman, for any debt alledged to have been contracted by such seaman; and in case any such chest, bed, bedding, His goods.

A. D. 1836. clothes, tools, or other effects as aforesaid, shall be withheld or detained contrary to this Act, it shall be lawful for any justice of the peace, upon complaint, upon oath, to be made by any such seaman, or on his behalf, to inquire into the matter, and if he shall see right, by warrant under his hand and seal, to cause any such property or effects so withheld or detained contrary to this Act, to be seized and delivered over to the seaman.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty six, and in the sixty-first year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

No. 2709. AN ACT TO PROVIDE FOR THE ELECTION OF TAX COLLECTORS BY THE PEOPLE.

**Of voters.** I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, tax collectors shall be elected by the citizens of the several districts and parishes throughout the State, who are now, or hereafter shall be, qualified, according to the constitution and laws of this State, to vote for members of the Legislature.

**Of vacancy.** II. Whenever a vacancy shall happen in the office of tax collector, in any district or parish, after the passing of this Act, an election shall be held to fill such vacancy, on the second Monday and the day following, in October thereafter, to be conducted in the same manner as by law directed for managing and holding elections for members of the Legislature; and it shall be the duty of the managers of elections in the several districts and parishes where such vacancy shall happen, to give public notice of twenty days, for an election, to be held as prescribed; said notice to be advertised in a Gazette, if any be printed in the district or parish, and if no Gazette be printed there, the said notice shall be published at each election ground; and the managers shall meet on Wednesday next after such election, to count the votes and declare the result; said managers to meet as in cases of elections for members of the Legislature.

**Declaration of election and bond.** III. The person who shall receive the greatest number of votes at such election, shall be deemed and declared to be duly elected tax collector of said district or parish, the managers being required to certify the election to the treasurer of the division wherein such election shall have been holden; and the person so elected shall give bond and security, as now or hereafter required, and thereupon shall be commissioned by the Governor, for the lawful term, and until a successor shall be elected and commissioned.

**In case of refusal to serve.** IV. That if any district or parish in this State neglect or refuse to make such election, or if the person elected shall refuse to discharge the duties of his office, as required by law, that in every such case the Governor for the time being shall have power to appoint a collector for such district or parish, until an election shall take place, according to the mode pointed out by this Act.

**Contested elections.** V. Whenever an election held for said office of tax collector shall be contested, the said contest shall be made, tried and determined in the manner prescribed by law in relation to other district officers.

VI. When vacancies shall happen in the office of tax collector, in any district or parish, and it shall be deemed necessary to fill the same, before and until the time prescribed for holding the regular election, the Governor for the time being is hereby authorized to appoint to the said office some fit and proper person, to enter upon the duties of his office when he shall have given bond and security, and to continue in office until a successor shall be duly elected and commissioned. A. D. 1836.  
Governor may fill vacancies.

VII. The bond and security herein required, shall be approved as now required by law.

VIII. Tax collectors elected or appointed by virtue of this Act, may be required to give further security, and shall be liable to removal as is now provided for district officers.

IX. That in those parishes of the State where there may not be a board of approvers of public securities, the bond of the tax collector shall be approved by the approvers of public securities of the district in which the said parish may be situated.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixty-first year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

AN ACT TO ALTER AND AMEND THE LAW IN RELATION TO MAGISTRATES AND CONSTABLES, WITHIN THE PARISHES OF ST. PHILIP AND ST. MICHAEL; AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2710.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all causes small and mean, cases of landlord and tenant, forcible entry and detainer, and of master and apprentice, arising within the parishes of St. Philip and St. Michael, shall be tried and adjudicated before the judicial magistrates of the said parishes, in the same manner and form as is now prescribed by law in such cases arising within the limits of the city of Charleston. How small cases may be tried.

II. That all prosecutions of slaves or free persons of color, for crimes and misdemeanors, arising within the said parishes, shall be tried and adjudged before the judicial magistrates, in the same manner and form as is now prescribed by law for such cases arising within the limits of the city of Charleston. Slaves and persons of color.

III. That the magistrates of Charleston Neck shall act only as ministerial magistrates in the cases included in the two preceding clauses, and shall receive the same fees as are now received by the ministerial magistrates of the city, and they shall also be eligible to the office of judicial magistrate. Magistrates of Charleston Neck.

IV. That the freeholders and slave holders to sit upon all trials arising within the said parishes, shall be drawn from all the freeholders and slave holders of the said parishes, as is now prescribed by law, their names to be taken from the tax collector's returns for the said parishes. Who shall sit on trials.

V. The penalty for non-attendance, as a freeholder or slave holder,

A. D. 1836.

Penalty.

in all cases triable as aforesaid, shall be ten dollars, recoverable by summons issued by the ministerial magistrate, and triable as is now the case in causes small and mean

Of Constables.

VI. All constables hereafter elected by the board of magistrates for the said parishes, shall continue in office during the term for which the said board shall be themselves elected, and until a new election shall take place by a subsequent board; *provided nevertheless*, that nothing herein contained shall be construed to prevent their being impeached and tried, as is now prescribed by law, for any malfeasance or nonfeasance in office; *and provided also*, that nothing herein contained shall effect the rights or tenure of office of any constable now in office.

VII. All recognizances to prosecute, or for the appearance of free persons of color or slaves, in the magistrate's courts in said parishes, shall be liable to be estreated in the court of sessions for Charleston district, for non-performance of the conditions thereof, in the same manner as recognizances returnable to the said court of sessions.

VIII. In all cases of forcible entry and detainer, and landlord and tenant, the finding of the freeholders, under the charge of the presiding justices, shall be sufficient to constitute the verdict, without the concurrence of the said justices, or either of them.

In the Senate House, the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixty-first year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

No. 2711. AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-SIX.

Tax to be  
raised on lands,  
negroes, &c. to  
be paid in notes  
of the incorpo-  
rated Banks of  
this State, &c.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, for the use and service thereof; that is to say, thirty cents ad valorem on every hundred dollars of the value of all lands granted in this State; the sum of sixty cents per head on all slaves of every description; and the sum of two dollars on all free negroes, mulattoes, and mestizoes, between the ages of fifteen and fifty; (except such as shall be clearly proved, to the satisfaction of the collectors, to be incapable, from maims or otherwise, of providing a livelihood;) thirty cents ad valorem on every hundred dollars of the value of all lots, lands and buildings, within any city, town, village or borough; including all lots, or portions of land, on which buildings may be erected in the immediate vicinity of any city, town, village or borough, in this State; and sixty cents per hundred dollars on factorage employments, faculties and professions, whether in the profession of the law the profits be derived from costs of suit, fees, or other sources of professional income, and on the amount of commissions received by vendue-masters and commission merchants, (clergymen, schoolmasters, schoolmistresses and mechanics, excepted;) to be ascertained and rated by the assessors and collectors

throughout this State, according to the best of their knowledge and information; to be paid in specie, paper medium, or the notes of the specie paying banks in this State.

A. D. 1836.

II. The tax collectors of this State are authorized and required to issue their executions against all such free negroes, mulattoes, and mestizoes, as shall neglect or refuse to pay the tax imposed by this Act, directed to the sheriffs of the said State, requiring them to sell, for a term not exceeding one year, the service of said free negroes, mulattoes, and mestizoes, to meet the payment of the tax imposed; *provided*, that the sheriff shall not sell the services of any free negro, mulattoe, or mestizoe, for a longer term than shall be necessary to pay the taxes due.

Tax collectors must issue executions.

III. Any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay, for the use of the State, a double tax on the same; but this clause shall not be construed to extend to any person sent, or to be hereafter sent, abroad in the service of this State, or of the United States, until one year after the expiration of his commission.

Absentees use double taxed.

IV. All persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of five dollars per day, before making such exhibition; which sums shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay the same into the public treasury annually; and in case of non-payment, the clerk of the court, or any justice of the peace or quorum, is hereby authorized and required to issue an execution, for double the amount of said tax, directed to any sheriff or constable of the district, against the body or goods of the person or persons liable to pay the said tax; provided, that nothing herein contained shall be construed to extend to any incorporated town or city.

Tax on plays and shows.

V. Sixty cents shall be levied upon every hundred dollars worth of goods, wares and merchandize, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States, or the territories thereof, excepted,) which any person shall use or employ as articles of trade, or for sale, barter or exchange, or have in his, her or their possession, on the first day of January, in the year of our Lord one thousand eight hundred and thirty-seven, either on his, her or their own account, or purchased by his, her or their own capital, or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; to be assessed by the assessors and collectors throughout this State, according to the best of their knowledge or information; and every person or persons making return of such goods, wares and merchandize, to the tax collectors, shall take the following oath or affirmation, to wit: "I, A. B. do solemnly swear, (or affirm) that the return which I now make, is, to the best of my knowledge and belief, a just and true return of the amount and value of all goods, wares and merchandize, (the products of this State, and the unmanufactured products of any of the United States, and territories thereof, excepted,) which I held in my possession on the first day of January, one thousand eight hundred and thirty-seven, for sale, barter or exchange, either on my own account, or upon borrowed capital, or on account of others, as agent, attorney or consignee. So help me God."

Oath.

VI. If any tax collector shall refuse or neglect to make his return, and pay the taxes, within the time specified by law, which had been received by him, it shall be the duty of the treasurer, within whose division such

Defaulting collectors to pay 5 per cent a month.

A. D. 1836.

default has been made, in addition to the coercive power which he now possesses, to charge the said collector with interest, at the rate of five per cent per month, from the time he ought to have made such return and paid the taxes, to the time of settlement.

Treasurer to  
issue execu-  
tions against  
Sheriffs and  
Coroners.

VII. It shall be the duty of any sheriff or coroner in whose hands the tax executions shall be placed by the tax collector, to collect and pay over the amount for which such execution shall issue, to the treasurer within whose division he may reside, within six months from the time he shall receive the same; and in default thereof, it shall be the duty of the treasurer to issue execution against such sheriff or coroner, for the whole amount expressed in such execution, with interest thereon, at the rate of five per cent. per month, from the time he should have paid the same: *Provided*, that sheriffs and coroners be allowed credit for nulla bona executions, as heretofore.

Information to  
be given of  
property sold.

VIII. It shall be the duty of every taxable inhabitant of this State, who has, since the first day of October, in the year of our Lord one thousand eight hundred and thirty-five, and prior to the first day of October last, sold or transferred the possession of any real or personal property liable to tax, (except stock in trade,) to give information, at the time of making his next return, of such sale or transfer, and the name of the person to whom sold or transferred, to the tax collector of the district in which he may reside, to the end that the tax collector may be better enabled to collect the dues thereon.

Tax on persons  
who sell  
Lottery tickets.

IX. No person shall open or keep any office for the sale of lottery tickets, in any other lottery than such as may be authorized by the laws of this State, unless such person shall have paid to the tax collector of the parish or district a tax of two thousand dollars for such privilege; and if any person shall open or keep any office for the sale of lottery tickets, or shall sell, or offer for sale, any lottery tickets, without having paid the said tax, such person, on conviction thereof by indictment, shall forfeit and pay ten thousand dollars; and it shall be the duty of the said tax collector of the district or parish in which such office shall be kept, or in which such lottery tickets shall be sold, or offered for sale, to prosecute all persons who shall offend against the provisions of this Act.

Appropriations  
to be paid.

X. The treasurer of each division is hereby authorized and required to pay quarterly, at the end of each quarter, all appropriations made for and on account of any officer of this State, or other appropriation made within his division; except officers of each branch of the Legislature, who shall be paid by the treasurer of the upper division, at the end of the session of the Legislature; and except the pay bills of the members of each branch of the Legislature, which shall be paid on presentment at either of the treasuries; and except the officers of the South Carolina College, who shall be paid, as heretofore, under their contract with the Board of Trustees, quarterly in advance; and it shall be the duty of either of the treasurers, whenever he shall make any payment, to take a duplicate receipt, and forward the same to the comptroller-general, with his monthly report.

Goods of trans-  
ient persons  
taxed.

XI. If any transient person or persons, not resident in this State, shall at any time sell, or expose to sale, any goods, wares or merchandize whatever, in any house, stall or public place, after the first day of January in each year, such person shall make return on oath, within ten days after commencing to sell as aforesaid, of the whole amount of the stock in trade he may have possessed at the time, to the tax collector of the district or parish in which the said goods, wares or merchandize shall have been or may be sold or exposed to sale; and if any person shall refuse or neglect to make such return within the

time prescribed above, he shall, on conviction thereof by indictment, forfeit and pay the sum of not more than one thousand dollars; unless such person shall have paid for and procured a license, according to the provisions of an Act entitled "An Act to increase the price of license to hawkers and pedlars."

A. D. 1836.

XII. It shall be the duty of the tax collectors to proceed to collect, from such persons so selling as aforesaid, the tax required by law to be paid on stock in trade, within five days after receiving such return. Said tax to be collected within five days.

XIII. If any tax collector shall fail or neglect to require a return to be made on oath, of any person liable to the payment of taxes for the use of the said State, for his or her taxable property, as provided by law, such tax collector shall be liable to the penalty of two hundred dollars, to be recovered by indictment in any court of sessions; one half of which shall be paid into the treasury, for the use of the State, and the remainder to the person who shall give information of such neglect and prosecute for the same. Penalty on tax collectors for not making returns.

XIV. It shall be the duty of the tax collector to give public notice of the day he intends to close his books. Collectors to give notice.

In the Senate House, the twenty first day of December, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixty-first year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-SIX; AND FOR OTHER PURPOSES. No. 2712.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Appropriations the following sums of money be, and they are hereby, appropriated for the purposes herein declared:

For the salary of the Governor, three thousand five hundred dollars.

For the rent of the Governor's house in Columbia, three hundred dollars.

For the private Secretary of the Governor, five hundred dollars.

For the Messenger of the Governor, two hundred and fifty dollars.

For the salary of one Judge of the Court of Common Pleas, two thousand five hundred and seventy-two dollars.

For the salaries of four Judges, three thousand five hundred dollars each.

For the salaries of six Judges, three thousand dollars each.

For the salary of the State Reporter, one thousand five hundred dollars: Provided, that only one half that amount be paid to him, unless the said reporter shall print and publish the decisions of the Appeal Court, made during the time he shall act as such reporter, within twelve months after such decisions are made.

For the salary of the Attorney-General, nine hundred dollars.

For the salaries of the Circuit Solicitors, seven hundred dollars each.

A. D. 1836.

Clerks of the  
Court of Ap-  
peals to draw  
salaries quar-  
terly.

For the salaries of the Messengers of the Court of Appeals in Charleston and Columbia, one hundred and fifty dollars each.

For the salary of the Clerk of the Court of Appeals at Columbia, six hundred dollars; and for the salary of the Clerk of the Court of Appeals in Charleston, six hundred dollars, one Clerk to do duty in both the Courts of Appeals, Law and Equity, to be drawn quarterly, at the end of each quarter, from the Treasurers of their respective divisions.

For the pay of the Members of the Legislature, and the Solicitors, during the present session, eighteen thousand dollars, if so much be necessary.

For the salaries of the Clerks of the Senate and House of Representatives, each one thousand dollars, to be paid on the adjournment of the Legislature.

For the salaries of two Messengers and two Doorkeepers, each two hundred dollars, to be paid at the adjournment of the Legislature.

For the salary of the Librarian and Keeper of the State House, seven hundred dollars.

For the salaries of the Reading Clerks of the Senate and House of Representatives, each one hundred and fifty dollars, to be paid on the adjournment of the Legislature.

For the salary of the Comptroller-general, two thousand dollars.

For the salary of the clerk of the Comptroller-general, seven hundred and fifty dollars, to be appointed by the Comptroller-general and removable at his pleasure.

For the salary of the Treasurer of the lower division, and for transacting the business of the loan office, and for clerk's hire, two thousand dollars.

For the salary of the Treasurer of the upper division, including clerk's hire, sixteen hundred dollars.

For the salary of the President of the South Carolina College, three thousand dollars.

For the salaries of six Professors in the South Carolina College, each twenty-five hundred dollars.

For the salary of the Treasurer of the College, five hundred dollars.

For the salary of the Librarian of the College, six hundred dollars.

For the Secretary of the Board of Trustees of the College, two hundred dollars.

For the salary of the Marshal of the College, four hundred dollars.

And the salaries of the Professors, Treasurer and Librarian, shall be paid by the Treasurer of the upper division, quarterly, in advance, their drafts being countersigned by the Treasurer of the College.

For the commons and other incidental expenses of one student from the Orphan House in Charleston, whilst in College, two hundred and sixty dollars; to be paid by the Cashier of the Branch Bank in Columbia, for the use of such student.

For the salary of the Adjutant and Inspector General, twenty-five hundred dollars.

For the salary of the Arsenal keeper in Charleston, one thousand dollars.

For the salary of the Physician of the gaol and magazine guard in Charleston, four hundred dollars.

For the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars.

For the salary of the Arsenal keeper and powder receiver in Columbia, at the rate of four hundred dollars per annum.

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For the salary of the Pilot of the harbor and bar of Georgetown, three hundred and twenty dollars.

For the salary of the Superintendent of public works, fifteen hundred dollars.

For the Assessor of St. Philip's and St. Michael's, for making out and affixing the assessments of each return, eight hundred dollars.

For the Superintendent of the fire proof building in Charleston, one hundred dollars.

For the salary of the Quarter-master-general, five hundred dollars.

For the salary of Dr. Thomas Cooper, for his services as Compiler of the Digest of the Statutes of South Carolina, twenty-five hundred dollars; and for the services of a Clerk to be employed by him, five hundred dollars.

For the city council of Charleston, for the execution of the quarantine laws, one thousand dollars, if so much be necessary.

For the payment of pensions and annuities, twenty thousand dollars, if so much be necessary.

For the payment of the contingent accounts of the lower division, six thousand dollars, if so much be necessary.

For the payment of the contingent accounts of the upper division, fifteen thousand dollars, if so much be necessary.

For the support of the transient poor of Charleston, payable to the city council, four thousand five hundred dollars, and the city council shall account to the Legislature for its expenditure.

For the support of the transient poor of Georgetown, four hundred dollars, to be expended by the commissioners of the poor for Prince George Winyaw, who shall publish, annually, the names of the poor, and the sums paid, in the nearest Gazette, and return, annually, on oath, to the Comptroller-general, an account of their expenditures, to be submitted to the Legislature.

For the payment of claims, according to the report of the committee on claims, agreed to and concurred in by both Houses at the present session, ten thousand dollars, if so much be necessary.

For public buildings, as agreed to and concurred in by both Houses, at the present session, thirty-eight thousand five hundred dollars, if so much be necessary.

For medical accounts, as agreed to and concurred in by both Houses, at the present session, four hundred dollars, if so much be necessary.

For the support of free schools, thirty-seven thousand dollars, if so much be necessary.

For the payment of free schools for the past year, omitted in the engrossed Bill of the preceding session, ten thousand dollars, if so much be necessary.

For the contingent fund, subject to the draft of the Governor, for the expenditure of which he shall submit an annual account to the Legislature, six thousand dollars.

For insuring the buildings of the South Carolina College, five hundred dollars, if so much be needed.

For the purchase of books for the Legislative Library, five hundred dollars, if so much be needed.

In aid of keeping a ferry over Elliott's Cut, subject to the order of the commissioners of roads for St. Andrew's parish, two hundred dollars.

For the education of the deaf and dumb, according to an Act of force, twenty-five hundred dollars, if so much be necessary.

For J. R. & W. Cunningham, for Stationary for the Legislature at its

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present session, agreeable to reports agreed to and concurred in by both Houses, four hundred and five dollars.

For the Printer of the House of Representatives, for printing done at this session, thirteen hundred dollars.

For A. S. Johnston, for printing the Journal of the proceeding of both branches of the Legislature, one hundred and fifty dollars.

For the printer of the Senate, for printing done at this session, one thousand dollars, and for printing Acts, Reports, Resolutions, of the Legislature, with the Journals and Governor's Message, five hundred dollars; *provided*, the same be published and deposited in the office of the treasurer of the upper division, at Columbia, by the twentieth day of February next; otherwise, the latter sum shall not be paid.

For the support of the Arsenal and Magazine Guard of Charleston, seventeen thousand and five hundred dollars, if so much be necessary.

For the support of the Citadel and Magazine Guard in Columbia, nine thousand one hundred and thirty-seven dollars, if so much be necessary.

For a part of the salaries of two Judges of the Court of Law, omitted by mistake in last year's appropriation, to wit: for Judges Butler and Earle, each five hundred dollars.

For Thomas Ray and Thomas Bradwell, witnesses in the contested election of the Honorable John M. Davis, each twenty-four dollars.

For refunding of double taxes, and taxes improperly paid, ordered by both branches of the Legislature to be refunded, one hundred dollars, if so much be necessary.

For William L. Brunson, late tax collector for Claremont county, for costs incurred by him on account of the State, one hundred and sixty-five dollars and twenty-six cents.

For erecting a Magazine within the Citadel in the city of Charleston, twelve hundred dollars, if so much be necessary.

For erecting additional buildings for the accommodation of the students in the South Carolina College, for erecting a Library Hall, for purchasing Books for the College Library, for repairing the Steward's house, and purchasing a house and lot for the College Steward, and for general College repairs, according to a report agreed to by both branches of the Legislature, sixty thousand dollars, if so much be necessary, to be drawn and expended by the Board of Trustees of the South Carolina College, or such commissioners as the said Board shall appoint; and the said Board of Trustees are hereby required to make a full and particular return of said expenditures, to the ensuing session of the Legislature.

That six thousand one hundred and nineteen dollars and eighty-five cents be appropriated and paid by the Treasurer to the Branch of the Bank of the State, at Columbia, to reimburse the amount advanced by the Bank to the Governor, for the support of the Arsenal Guard in Columbia, the present year.

*And be it enacted*, That the following appropriations be made: For purchasing Military Books, and other contingent Military expenses, six thousand dollars, if so much be necessary.

For repairing Arms, and for Arsenal purposes in Charleston and Columbia, two thousand dollars, if so much be necessary.

For William Lloyd, for making carriage and mounting cannon, for the Marion Flying Artillery, sixty dollars.

For the expense of a new curtain for the Senate Chamber, the sum of two hundred dollars, if so much be necessary.

*And be it further enacted*, That the Comptroller-general shall be authorized to call upon the President of the Bank of the State of South Carolina,

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for the instalments, as they may become due, on the shares to be subscribed for in the Louisville, Cincinnati and Charleston Rail Road Company, according to the terms and conditions of the resolutions adopted by the Legislature on the subject, during their present session, to be paid by the said President out of the surplus to be received from the General Government.

*And be it further enacted*, That the following appropriations be made :

For John Walker, seventeen dollars and seventeen cents, for double tax to be refunded.

For Sally Ketch, thirteen dollars and seventy-five cents, for double tax to be refunded.

For Polly Ketch, thirteen dollars and seventy-five cents, for double tax to be refunded.

For John J. Abernethy, six dollars and sixty-eight cents, for double tax to be refunded.

For the Revolutionary claim of Fields Pardue, as agreed to by both branches of the Legislature, during the present session, two thousand four hundred and forty dollars and twenty-two cents, to be paid to his heirs, in shares according to the Statute of Distributions.

For repairs of the causeway and road in Vance's swamp, as agreed to by a resolution of both branches of the Legislature, twenty thousand dollars.

For extending the Columbia Canal from Young's Mill to Bull Sluice, to be expended as directed by the report of the committee on internal improvements, agreed to by both branches of the Legislature, forty thousand dollars, if so much be necessary: *Provided*, That the sum hereby appropriated shall be sufficient to complete the said Canal; *and provided also*, that the same be not drawn from the Treasury until after a contract or contracts shall have been made and entered into by the undertakers of the work, amply secured, with the Superintendent of public works, for the faithful completion of the work.

For improving the navigation of Socastee Creek, two thousand five hundred dollars, if so much be necessary, to be drawn out and expended by Joshua John Ward, John D. Magill, John Zilliman, and J. G. Singleton, commissioners hereby appointed for that purpose.

For the improvement of the Wateree River, seven thousand dollars.

For removing obstructions to the navigation of Lynch's Creek, three thousand dollars, to be drawn and expended by the commissioners appointed by the Resolution of both Branches on that subject.

For refunding Jonathan Lucas, for himself and the other heirs of Jonathan Lucas, for double taxes paid by him, and ordered to be refunded by a Resolution of both branches of the last session of the Legislature, six hundred dollars, if so much be necessary.

For expenses of the State House for the year one thousand eight hundred and thirty-six, four hundred and seventy-eight dollars eighty cents.

For the Town Council of Beaufort, for expenses incurred in enforcing the quarantine regulations, three hundred and ninety-five dollars and fifty cents.

For A. S. Johnston, the sum of five thousand and sixty-five dollars, for printing, binding and furnishing paper for the publication of the first volume of the Statutes at Large, and for paper for the second volume now in press.

For the construction of proper book-cases and the purchase of a public Law Library for the use of the Court of Appeals at Columbia, five thou-

A.D. 1837. sand dollars, to be drawn and expended by the Judges and Chancellors, or a majority of them, for that purpose; and that an account of said expenditures be returned at the ensuing session of the Legislature.

In the Senate House, the twenty first day of December, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixty-first year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

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No. 2713. AN ACT to authorize the Commissioners of Public Buildings for Charleston District, to apply part of their funds to the repairs and extension of the main Guard House in the City of Charleston; and for other purposes.

(Passed December 20, 1837. *See last volume.*)

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No. 2714. AN ACT further to provide for the Military Organization of this State; and for other purposes.

(Passed December 20, 1837. *See last volume.*)

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No. 2715. AN ACT to establish certain Roads, Bridges and Ferries.

(Passed December 20, 1837. *See last volume.*)

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No. 2716. AN ACT TO INDEMNIFY THE CITY COUNCIL OF CHARLESTON FOR THE DAMAGES RECOVERED FOR BURNING THE WRECK AND CARGO OF THE BRIG AMELIA, TO PREVENT THE INTRODUCTION OF THE CHOLERA [IN 1832.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sum of twelve thousand dollars be, and the same is hereby, appropriated to indemnify the City Council of Charleston, for the damages which have been recovered, or may hereafter be recovered, in certain suits now pending, and the expenses of their defence, for the destruction of the Brig Amelia and other property at Folly Island, which vessel and

cargo were ordered to be burnt by the city authorities, in the year 1832, for the purpose of preventing the introduction of Cholera, and the consequent dissemination of that malady throughout the State; the expenditure of this amount to be accounted for at the next session of the Legislature, and any surplus unexpended from this appropriation to be refunded by the city council. A. D. 1837.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the sixty-second year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

AN ACT TO ALTER AND AMEND THE LAW, IN RELATION TO FISH SLUICES No. 2717.  
ON THE CATAWBA AND WATEREE RIVERS; AND FOR OTHER PURPOSES.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Board of Commissioners. so much of an Act entitled "An Act to prevent obstructions to the passage of fish up the several rivers of this State," passed on the nineteenth day of December, eighteen hundred and twenty-seven, as requires that one Board of Commissioners of Fish Sluices be appointed for the Waterree and Catawba rivers, from the foot of Graves's Shoals to the mouth of Fishing Creek, and one Board from the mouth of Fishing Creek to the North Carolina line, be, and the same is hereby, repealed; and that instead thereof, one Board of Commissioners of Fish Sluices be appointed, to consist of ten persons, to superintend the opening of Fish Sluices for the Waterree and Catawba rivers.

II. *And he it further enacted*, That any person who shall be convicted Fine for Obstruction. by indictment in the courts of sessions, of obstructing fish sluices in any of the rivers of this State, shall pay a fine of one hundred dollars.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the sixty-second year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE UNITED STATES TO PURCHASE A CERTAIN No. 2718.  
QUANTITY OF LAND IN THIS STATE, FOR THE ERECTION OF LIGHT  
HOUSES, BEACON LIGHTS, AND FOR OTHER PURPOSES.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the United States, or such person or persons as may be Where land may be purchased. by them authorized, shall have a right to purchase the fee simple of one

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acre of land on Otter Island, in Colleton district, for the purpose of building a Light-house; of one acre of land on the north side of Station Creek, near St. Helena Island, for the erection of a Beacon Light; and one acre of land on Bob's Island, at the entrance of Scull Creek, for the erection of a Beacon Light; the said last parcels of land are in Beaufort district.

Valuation of  
land.

II. *And be it further enacted*, That if the person or persons whose land may be chosen for the above mentioned purposes, should not be disposed to sell the same, or if the person or persons appointed to make the purchase, should not be able to agree upon terms with such owner or owners of the said lands, the same shall be valued upon oath, by a majority of the following persons, hereby appointed commissioners for that purpose, viz:—Edwin Chaplin, Daniel Jenkins, William J. Grayson, John A. P. Scott, and Capt. Edward Barnwell; and the lands shall be vested in the United States, upon their paying the amount of such valuation to the owner or owners of such lands respectively.

Liable to the  
Government of  
this State.

III. *And be it further enacted*, That the said lands, when purchased by or vested in the United States, and every person and officer residing or employed thereon, whether in the service of the United States or not, shall be subject and liable to the government of this State, and the jurisdiction, laws and authority thereof, in the same manner as if this Act had never been passed; and that the United States shall exercise no more authority or power within the limits of the said land, than they might have done previously to the passing of this Act, or than may be necessary for the building, erection, repairing or internal government of the said Light-house, and the regulation and management of the said Light-house, and the said Beacon Lights, that may be built and erected on the said lands, and of the officers and persons by them to be employed in and about the same; *provided*, that the said lands shall be forever exempt from any taxes to be paid to this State.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the sixty-second year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

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No. 2719. AN ACT to amend the Charter of the Nesbit Manufacturing Company.

(Passed December 20, 1837. *See last volume.*)

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No. 2720. AN ACT to alter and amend the Charter of the Bank of Hamburg, South Carolina.

(Passed December 20, 1837. *See last volume.*)

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AN ACT TO PROVIDE PUNISHMENT FOR THE NEGLIGENT MANAGEMENT OF STEAM-BOATS. No. 2721.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, That if any person within this State shall suffer injury to life or limb, by the explosion of any boiler of a Steam-boat, or by reason of the unskilfulness, mismanagement or negligence of the person or persons having the charge or command of the said boat, or her engine, or by reason of any defect in the said engine or boat, or by reason of the deficiency or want of any matter or thing necessary and proper for the management or seaworthyness of the said boat, the Captain, Master or other person having the command or charge of such boat, shall, for every such injury, be deemed guilty of a misdemeanor, and on conviction shall be punished by fine or imprisonment, or both, at the discretion of the court before which such conviction shall be had; *Provided however*, that nothing contained in this Act shall be so construed as to prevent the defendant from shewing on the trial, that the injury arose from unavoidable accident, and without fault on his part; and that this Act shall not in any manner be construed to restrict the liability of any person to be indicted, tried and punished, under any law now existing. Penalty.

II. The owners of every Steam-boat shall be deemed, and are hereby made, responsible for the good conduct of the Masters or Captains employed by them; and if any penalty incurred by the Master, Captain or other person having the command or charge of a Steam-boat or her engine, cannot be collected of him by due course of law, the same may be recovered of the owners of the boat, in whose service and employment he was at the time such offence was committed, jointly and severally, in the same manner as if they were sureties of such Master, Captain or person in command or charge as aforesaid. Not liable for accidents.  
Owners made responsible.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the sixty-second year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

AN ACT TO LEND THE CREDIT OF THE STATE TO SECURE ANY LOAN WHICH MAY BE MADE BY THE LOUISVILLE, CINCINNATI AND CHARLESTON RAIL ROAD COMPANY; AND FOR OTHER PURPOSES. No. 2722.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the faith and funds of the State of South Carolina be, and the same are hereby, pledged to secure the punctual payment of any contract which shall be made for borrowing money, by the Louisville, Cincinnati and Charleston Rail Road Company, from any person or persons, company or companies, corporation or corporations, to any amount not exceeding two millions of dollars, either in the United States or in Europe; Faith of the State may be pledged.

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Rate of interest

When Comptroller may endorse.

Estate and property mortgaged to the State.

and when such contract or contracts shall be made, by bond or bonds, certificate or certificates, or other instrument or instruments, signed by the President of the said Company, under its seal, and countersigned by the Secretary thereof, it shall be the duty of the Comptroller-general of this State to endorse thereon, that the faith and funds of the State of South Carolina are pledged to the faithful performance of the said contract or contracts, both as it respects the punctual payment of the principal and of the interest, according to the terms of the said contract or contracts; *provided*, that the interest to be received thereby, and made payable thereon, shall not exceed the rate of five per cent per annum; *and provided also*, that the Comptroller-general shall not endorse any such contract, until five hundred thousand dollars shall be paid to the Company on the stock thereof, in which event, he shall pledge the funds and faith of the State for one million of dollars; and when five hundred thousand dollars more shall be paid to the Company on the stock thereof, the Comptroller-general shall pledge the funds and faith of the State for one other million of dollars.

II. *And be it further enacted*, That as soon as the Comptroller-general shall have made any such endorsement on any such contract, the whole estate, property and funds within the State, which the said company may then possess, or shall afterwards acquire, shall thenceforth stand pledged and mortgaged to the State, without any further act or deed on the part of the Company, for the faithful and punctual performance, on part of the said Company, of such contract, in priority and preference of any other debt which the said Company may then or at any other time owe; *provided*, that the terms herein contained shall not be construed to prevent the said company, in case it should purchase the Rail Road of the South Carolina Canal and Rail Road Company, from mortgaging the said Road to the said South Carolina Canal and Rail Road Company, for any sum not exceeding two-thirds of the purchase money thereof, and giving the said South Carolina Canal and Rail Road Company a lien thereof, in preference to the mortgage or mortgages to the State; *and provided also*, that nothing herein contained shall be construed to prevent the said Louisville, Cincinnati and Charleston Rail Road Company from applying the proceeds of the loan or loans so made by them, and the instalments which may be called for and paid in on the stock of the company, and the funds they now hold, to the purposes of constructing and perfecting the road or roads of the said company, and for no other purpose, except to pay the interest on the said loan or loans, and the ultimate extinguishment of the principal thereof; *and provided also*, that an amount equal to the said loan or loans, and of the instalments due, or the subscriptions made on the part of the State of South Carolina, and by the citizens and corporations thereof, shall be applied to the purpose of constructing the road within the State, until the road be extended from the city of Charleston, by at least a single track, to the northern limit of this State, and by a double track, from Charleston to the point where the roads from Hamburg and Columbia shall meet, if such union should take place. Except that the company may be, and are hereby, permitted to apply a sum not exceeding two hundred and fifty thousand dollars of the loans so made, to the purpose of connecting the Rail Road of the South Carolina Canal and Rail Road Company, with Rail Roads in Georgia; *and provided also*, that nothing herein contained shall prevent the company from selling all unserviceable materials belonging to the South Carolina Canal and Rail Road Company, should it purchase the same.

III. *And be it further enacted* by the authority aforesaid, That whenever the Comptroller-general of the State shall receive the fourth instalment of the surplus revenue of the United States, ordered to be deposited with the State of South Carolina, he do forthwith pay over the same to the Louisville, Cincinnati and Charleston Rail Road Company, and cause the same to be credited in the books of the said company to the State, in payment of the instalments which may become due by the State, in advance of any call therefor; *provided*, that any advance on the part of the State beyond the instalments paid in by other stockholders, shall not be considered as part of the sums to be paid in by the stockholders, as provided in the first section.

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Further Instalments of Surplus Revenue.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the sixty-second year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

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AN ACT to amend the Charter of the Union Insurance Company. No. 2723.  
(Passed December 20, 1837. *See last volume.*)

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AN ACT to amend an Act entitled "An Act to regulate the performance of Patrol Duty on Charleston Neck;" and for other purposes. No. 2724.  
(Passed December 20, 1837. *See last volume.*)

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AN ACT to Incorporate the Statesburgh Bridge Company. No. 2725.  
(Passed December 20, 1837. *See last volume.*)

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AN ACT to Incorporate certain Companies and Societies. No. 2726.  
(Passed December 20, 1837. *See last volume.*)

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AN ACT concerning the Bank of the State of South Carolina. No. 2727.  
(Passed December 20, 1837. *See last volume.*)

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No. 2728. AN ACT to establish a Company under the name of the Southern Steam Packet Company.

(Passed December 20, 1837. *See last volume.*)

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No. 2729. AN ACT to Incorporate the Governor's Guards.

(Passed December 20, 1837. *See last volume.*)

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No. 2730. AN ACT TO PUNISH THE ABDUCTION OF FREE PERSONS OF COLOR.

Penalty for  
abducting free  
persons of  
color.

1. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whoever shall hereafter be convicted of the forcible or fraudulent abduction, or assisting in the forcible or fraudulent abduction, of any free person of color, living within this State, with intent to deprive him or her of his or her liberty, shall be fined not less than one thousand dollars, and be imprisoned for not less than twelve months.

Selling free  
persons of  
color as slaves.

II. And whoever, in addition to such abduction, shall actually sell, or assist in selling, or cause to be sold, such person as a slave, shall, upon being duly convicted thereof, in addition to such fine and imprisonment, receive thirty-nine lashes on the bare back.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the sixty-second year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

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No. 2731. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HAMBURG; AND FOR OTHER PURPOSES," PASSED ON THE NINETEENTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND THIRTY-FIVE.

When trial by  
Court of  
Sessions.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, when an offence by a free white person, against an ordinance of the Town Council of Hamburg, is charged, for which a fine not less than twenty dollars has been ordained, trial shall be had by indictment, in the court of sessions for Edgefield district, and in case of conviction, collection made as in other

cases of fines in that court; if the fine ordained may, according to discretion, be above or below twenty dollars, the council may, according to its opinion of the case, try the offender, and upon conviction, inflict a fine less than twenty dollars, or direct proceedings in the court of sessions, as aforesaid: If the fine ordained be less than twenty dollars, the council shall summon and try the offender, by such proceedings as it shall have ordained; *provided*, that in all cases where the fine shall exceed ten dollars, the parties shall have the right to appeal to the court of sessions and common pleas for Edgefield district, on giving bond and security to prosecute the same with effect, or pay the fine imposed: All fines inflicted by the council shall be collected by *feri facias*, or if that be returned *nulla bona*, by *capias ad satisfaciendum*, which if not paid, may be discharged by schedule and assignment, according to the provisions of the prison bounds Act, after five days notice to the Intendant or either of the Wardens.

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Council may try offenders.

Right to appeal.

Fines, how to be collected.

II. The council shall have the power to ordain the mode of trying slaves and free persons of color, for any violation of its ordinances; and as to all offences not capital, committed by such persons, shall have the power of a court of magistrates and free-holders, organized according to law; *provided*, that nothing herein contained shall be construed to give the council exclusive jurisdiction in the trial of slaves and free persons of color.

Power of trying slaves and free persons of color.

III. The power and duty of organizing, superintending and regulating the patrol in the said town of Hamburg, are transferred to the said council, and it is for that purpose vested with the powers in that respect exercised by a Captain of a beat company and a court martial; and, severally and collectively, the members of the said council, made subject to like penalties for neglect of duty: And the said council is further empowered, by suitable ordinances, to direct the time and manner of performing patrol duty within the limits aforesaid, and, by additional fines, to enforce the performance thereof; *provided*, that no ordinance shall diminish the quantity of duty by law required from any person.

Power of regulating Patrol, &amp;c.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the sixty-second year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

AN ACT to alter the time of the sittings of the Courts of Law and Equity, in some of the districts of this State. No. 2732.

(Passed December 20, 1837. See last volume.)

AN ACT to re-organize the College of Charleston.

No. 2733.

(Passed December 20, 1837. See last volume.)

A. D. 1837.

**No. 2734. AN ACT TO CONFER ON JOHN T. REID, AN ALIEN, THE PRIVILEGE OF  
APPLYING FOR ADMISSION TO THE BAR.**

*I. Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by and with the authority of the same, That it may be lawful for the said J. T. Reid, who has signified his intention to become a citizen of the United States, and has taken the oath of allegiance to this State, to be admitted to the practice of law, upon the same conditions as are required of a citizen of this State.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the sixty-second year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

**No. 2735. AN ACT TO INCREASE THE PAY OF CONSTABLES FOR ATTENDING AT  
COURT.**

*I. Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, all constables, whose duty it shall be to attend on the courts of general sessions and common pleas, and equity, in this State, shall receive one dollar and fifty cents each, per day, for their respective services.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the sixty-second year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

**No. 2736. AN ACT TO AMEND THE LAW IN RELATION TO THE HARBOURING OF  
DESERTED SEAMEN.**

How far provisions of former Act may extend.

*I. Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the provisions of the first section of an Act entitled "An Act to prevent the harbouring of deserted seamen, and to protect sailors from the fraudulent practices of their landlords," passed on the twenty-first day of December, one thousand eight hundred and thirty-six, shall extend to every agreement to proceed or continue on a voyage, made in this State or elsewhere, by a seaman, and whether in contemplation of a voyage to be commenced in this State or elsewhere; *provided*, that the

said agreement, at the time when any such seaman may be harboured or secreted, contrary to the provisions of the said Act, shall not have been fully executed and determined, but shall be of force and binding on such seaman, according to the laws of this State, or of the country where the same was entered into, or to which the ship or vessel in which such voyage was to be made may belong.

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II. *And be it further enacted*, That on the prosecution or trial of any indictment under the aforesaid Act, or any Act amending the same, the articles of the ship or vessel, authenticated by the affidavit of the Captain, sworn to before any notary public or justice of the peace of this State, shall be admissible in evidence, and shall be sufficient to establish the fact, that any seaman whose name appears subscribed thereto, has signed the agreement contained in such articles, until the contrary be made to appear by proof; any law, usage or custom to the contrary thereof in any wise notwithstanding.

Articles of ship admissible evidence.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the sixty-second year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

#### AN ACT CONCERNING THE DISTRICT OFFICERS AND THEIR OFFICES. No. 2737.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and immediately after the passing of this Act, if any clerk of the court of common pleas and general sessions, or sheriff, or ordinary, or master in equity, or commissioner in equity, or register in equity, or register of mesne conveyances, in this State, shall wilfully fail or neglect to discharge all the duties and perform all the services which now are, or shall hereafter be, required of him by law, in addition to his liability to the party aggrieved, he shall be liable to be indicted as for a misdemeanor, and, upon conviction thereof, he shall be fined at the discretion of the court, not exceeding five hundred dollars.

Officers finable for neglect of duty.

II. *And be it further enacted* by the authority aforesaid, That it shall be the duty of the Attorney General, and the Circuit Solicitors, and they are hereby authorized and required to examine annually, and at such times as they may deem expedient, into the condition of the offices above named, of the several districts in their respective circuits, and to ascertain if the said several officers, respectively, shall have discharged all the duties, and performed all the services, which now are or shall hereafter be required of them respectively, by law; and to make a report of the condition of said offices, and the manner in which the said several officers, respectively, shall have discharged their duties, to the courts of law of the several districts, respectively, at the fall term in each year, and also to the Legislature, at each annual session.

Duty of the Attorney General.

III. *And be it further enacted* by the authority aforesaid, That if any one of the said district officers shall be reported as aforesaid, as having wilfully failed or neglected to discharge any of the duties, or to perform any of the services, appertaining to his office, which now are, or shall

Bill of indictment to be preferred against delinquents.

A.D. 1837.

Fin-  
a  
mail  
to  
Commissioners  
of public build-  
ings.

Additional sal-  
ary to Attorney  
General and  
Solicitors.

Repairing of  
respective  
offices.

hereafter be, required of him, by law, it shall be the duty of the court to order a bill of indictment to be preferred against such delinquent officer.

IV. *And be it further enacted* by the authority aforesaid, That the fine so to be imposed by virtue of this Act, shall be paid over to the commissioners of public buildings of the respective districts in which such failure or neglect may have occurred.

V. *And be it further enacted* by the authority aforesaid, That as a compensation for the additional duties required of the attorney general and circuit solicitors by this Act, their salaries shall be increased, each, by the sum of two hundred dollars.

VI. *And be it further enacted* by the authority aforesaid, That an Act entitled "An Act to provide for the repairing of court-houses and gaols in this State," passed on the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-seven, authorizing and requiring the commissioners of public buildings to keep in repair and superintend the court-houses and gaols of their respective districts, be so amended as to authorize and require the said commissioners, in their respective districts, also to superintend and keep in repair the interior of the several offices of the aforesaid district officers; and to cause to be constructed and placed therein, and kept in repair, suitable fixtures or cases, for the reception and preservation of the records, books and other papers appertaining and belonging to said offices respectively; and to cause to be erected and kept in repair, such out-buildings and fences on the gaol and court-house lots, as they may respectively deem necessary for the use and convenience of the sheriffs or gaolers residing in said gaols, respectively, or for the protection of said gaols and court-houses; and to cause to be made out and completed, such records and books in the several offices named in the first section of this Act, in their respective districts, as may be directed and ordered by the said court of common pleas and general sessions, whose duty it shall be, from time to time, to give such directions and make such orders as may be necessary, for the completion of the records and books in said offices respectively.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the sixty-second year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

#### NO. 2738. AN ACT TO AUTHORIZE THE FORMATION OF LIMITED PARTNERSHIPS.

Purposes of  
limited part-  
nerships.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That limited partnerships, for the transaction of any mercantile, mechanical or manufacturing business, or for the transportation of passengers, products of the soil, or merchandize, within this State, may be formed by two or more persons, upon the terms, with the rights and powers, and subject to the conditions and liabilities, herein prescribed; but the provisions of this Act shall not be construed to authorize any such partnership for the purpose of banking or making insurance.

II. Such partnerships may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible, as general partners now are by law; and of one or more persons who shall contribute, in actual cash payments, a specific sum as capital to the common stock, who shall be called special partner or partners, and who shall not be liable for the debts of the partnership beyond the funds so contributed by him or them, to the capital. A. D. 1837.  
Liabilities of general and special partners.

III. The general partners only, shall be authorized to transact business and sign for the partnership, and to bind the same. Business, by whom to be transacted.

IV. The persons desirous of forming such partnership, shall make, and severally sign, in the presence of two subscribing witnesses, a certificate, which shall contain, first, the name or firm under which such partnership is to be conducted: Second, the general nature of the business intended to be transacted: Third, the names of all the general and special partners interested therein, distinguishing which are general and which are special partners, and their respective places of residence: Fourth, the amount of capital which each special partner shall have contributed to the common stock: Fifth, the period at which the partnership is to commence, and the period at which it will terminate. Certificate to be signed by all the partners—its contents.

V. The certificate shall be proved in the same manner that deeds of conveyances for lands are now required by law to be proved. To be acknowledged.

VI. The certificate so proved, with the probate, shall be filed in the office of the clerk of the court of that district in which the principal place of business of the partnership shall be situated, and shall also be recorded by him, at large, in a book so kept for that purpose, open to public inspection. If the partnership shall have places of business situated in different districts, a transcript of the certificate and of the probate thereof, duly certified by the clerk in whose office it shall be filed, under his official seal, shall be filed and recorded in like manner, in the office of the clerk of the court in every such district. When to be filed and recorded.

VII. At the time of filing the original certificate, with the evidence of the execution thereof, as before directed, an affidavit of one or more of the general partners shall also be filed in the same office, stating that the sums specified in the certificate to have been contributed by each of the special partners, to the common stock, have been actually and in good faith, paid in cash. Affidavit to be filed.

VIII. No such partnership shall be deemed to have been formed, until a certificate shall have been made, proved, filed and recorded, nor until an affidavit shall have been filed, as above directed; and if any false statement be made in such certificate or affidavit, all the persons interested in such partnership shall be liable for all the engagements thereof, as general partners. When partnership deemed formed.  
Consequence of false certificate, &c.

IX. The partners shall publish the terms of the partnership, when registered, for at least six weeks, immediately after such registry, in all the newspapers in the district in which their business shall be carried on, and if no newspaper be published in said district, then the notice thereof shall be published as aforesaid, in the newspapers or newspaper of the nearest adjoining district in which newspapers or a newspaper may be published, and be posted up on the door of the court-house of the district in which the said firm may be located; and if such publication be not made, nor such notice given, for the time prescribed, the partnership shall be deemed general. Terms of partnership to be published.  
Effects of omission.

X. Affidavits of the publication of such notice, by the printers of the newspapers in which the same shall be published, may be filed with the clerk in whose office the original certificate shall have been recorded, and shall be evidence of the facts therein stated. Proof of publication.

- A. D. 1837.**
- Renewals of partnership.** XI. Every renewal or continuance of such partnership, beyond the time originally fixed for its duration, shall be certified, proved and recorded, and an affidavit of a general partner be made and filed, and notice be given, in the manner herein required for its original formation; and every such partnership which shall be otherwise renewed or continued, shall be deemed a general partnership.
- Dissolved by alterations.** XII. Every alteration which shall be made in the names of the partners, in the nature of the business, or in the capital or shares thereof, or in any other matter specified in the original certificate, shall be deemed a dissolution of the partnership; and every such partnership, which shall in any manner be carried on after such alteration shall have been made, shall be deemed a general partnership, unless renewed as a limited partnership, according to the provisions of the last section.
- When deemed general partnership.** XIII. The business of the partnership shall be conducted under a firm, in which the name or names of the general partner or partners only, shall be inserted, without the addition of the word "Company," or any other general term; and if the name of any special partner shall be used in such firm with his privity, he shall be deemed a general partner.
- Suits, in whose names.** XIV. Suits in relation to the business of the partnership, shall be brought and conducted by and against the general partners, in the same manner as if there were no special partners.
- Rights of special partners.** XV. A special partner may, from time to time, examine into the state and progress of the partnership concerns, and may advise as to their management; but if he shall take any active part in transacting the business of the partnership, except as attorney, counsel or solicitor, he shall be liable as a general partner.
- General partners to account.** XVI. The general partners shall be liable to account to each other, and to the special partners, for the management of their concern, both in law and equity, as other partners now are by law.
- Punishment for fraud.** XVII. Every partner who shall be guilty of any fraud in the affairs of the partnership, shall be liable civilly, to the party injured, to the extent of his damages; and shall also be liable to an indictment for a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court by which he shall be tried.
- Certain transfers void.** XVIII. Every sale, assignment, or transfer of any of the property or effects of such partnership, made by such partnership when insolvent, or in contemplation of insolvency, or after, or in contemplation of the insolvency of any partner, with the intent of giving a preference to any creditor of such partnership or insolvent partner, over other creditors of such partnership; and every judgment confessed, lien created, or security given by such partnership, under the like circumstances and with the like intent, shall be void as against the creditors of such partnership.
- Certain judgments and securities void.** XIX. Every such sale, assignment or transfer of any of the property or effects of a general or special partner, made by such general or special partner when insolvent, or in contemplation of insolvency, or after, or in contemplation of the insolvency of the partnership, with the intent of giving to any creditor of his own, or of the partnership, a preference over the creditors of the partnership; and every judgment confessed, lien created, or security given, by any such partner, under the like circumstances and with the like intent, shall be void as against the creditors of the partnership.
- Certain transfers void.** XX. Every special partner, who shall violate any provision of the two last preceding sections, or who shall concur in or assent to any such violation by the partnership, or by any individual partner, shall be liable as a general partner.
- When special partner is liable.**

XXI. In case of the insolvency or bankruptcy of the partnership, no special partner shall, under any circumstances, be allowed to claim, as a creditor, until the claims of all the other creditors of the partnership shall be satisfied.

A. D. 1837.

When not to claim as creditor.

XXII. No dissolution of such partnership, by the acts of the parties, shall take place previous to the time specified in the certificate of its formation, or in the certificate of its renewal, until a notice of such dissolution shall have been filed and recorded in the clerk's office in which the original certificate was recorded, and published for three months in two or more newspapers most contiguous to the place or places where such partnership exists, and be posted on the door of the court-house of the district in which the partnership may be located.

Dissolution by acts by partners.

XXXIII. The clerk of the court shall receive for his services the same compensation now allowed by law to the register of mesne conveyances, for similar services.

Clerks of courts' compensation.

XXXIV. From and after the first day of July next, every mercantile partnership in this State, in addition to a proper or conspicuous signboard or plate, containing the name and style of the firm, shall post up and keep posted up, in some conspicuous place, at the business stand and stands of the firm, the given and surname of each member of the firm, under pain, in case of default, of being sued and proceeded against, at law or in equity, without naming the individual members of the firm, and also of forfeiting and paying, individually and each, the sum of fifty dollars to any one who shall sue for the same, for each and every month they shall make such default as aforesaid; and any person or persons who shall post up a plate or sign board, representing himself or themselves as being united with another or others in partnership, under the addition of the word "Company" or "Co.," or shall otherwise make such representation, when in fact such other or others are not united with him or them in partnership as aforesaid, he and they shall each, be subject to forfeit and pay, as aforesaid, the monthly penalty aforesaid; *provided*, that nothing in this section contained shall apply to the special partners of a limited partnership.

Names of the firm to be kept posted up.

Forfeiture for default.

XXV. No part of the sum which any special partner shall have contributed to the capital stock, shall be withdrawn by him, or paid, loaned or transferred to him as profits, dividends, or otherwise, at any time during the continuance of the partnership; but any partner may annually receive lawful interest on the sum so contributed by him, if the payment of such interest shall not reduce the original amount of the capital after payment of all the debts of the partnership; and if, after the payment of such debts and interest, any profits shall remain, he may receive his portion thereof.

No part of capital stock to be withdrawn.

Interest allowed.

XXVI. Any creditor of a limited partnership may, at his option, include in his suit against the same, the special partner or partners who may become liable as general partners, by failing to comply with the provisions of this Act; and all the facts necessary to affirm or negative the liability of such special partner or partners, may be given in evidence under the general issue; and the failure of the plaintiff to establish such liability, shall not be cause of non-suit.

Against whom creditors may bring suit.

XXVII. This Act shall continue of force for ten years from the first day of January next, and no longer.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the sixty-second year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

A. D. 1837.

No. 2739. AN ACT to authorize the City Council of Charleston to close Fort-street and part of Church-street, in said city.

(Passed December 20, 1837. See last volume.)

No. 2740. AN ACT TO INCORPORATE THE TOWN OF MOUNT PLEASANT.

**Incorporation.** I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons, citizens of the United States, who now own, or may hereafter own, dwelling houses in the villages of Mount Pleasant and Greenwich, lying opposite to the city of Charleston, on Haddril's Point, in Christ Church parish, and those who may occupy such dwelling houses under lease, may be deemed, and are hereby declared, a body politic or corporate; and that the said town shall be called and known by the name of MOUNT PLEASANT; and that Andrew Hibben, Joshua Toomer, Samuel Venning, and Elias Whilden, or any three of them, shall be, and are hereby appointed, commissioners, to meet and lay out the said two villages so as to form them into one, and to designate the bounds and limits of the said town, and cause a plat thereof to be filed in the office of the Secretary of State.

**Names of commissioners.**

**How town shall be governed.** II. *Be it further enacted*, That the said town shall be governed by an Intendant and five Wardens, who shall be elected by the citizens of the said town, so soon as the limits and boundaries shall be designated by the commissioners as aforesaid, and shall continue in office until the second Monday of September next, on which day, as well as on every second Monday in September in every year thereafter, an election shall be held for an Intendant and five Wardens, (who shall always be free-holders within the limits of the said town,) at such place as the Intendant and Wardens shall designate, ten days notice being previously given; and that all free white male inhabitants of the said town, who have attained the age of twenty-one years, and have resided therein three months previous to the day of election, shall be entitled to vote for the said Intendant and Wardens; the election to be held from nine o'clock in the morning until three o'clock in the afternoon; and when the polls shall be closed, the managers shall count the votes, proclaim the election, and give notice thereof in writing to the persons elected; and the Intendant and Wardens for the time being shall always appoint three managers to hold the ensuing elections; and that the Intendant and Wardens, before entering upon the duties of their offices, shall take the oath prescribed by the constitution, and also the following oath, to wit: "As Intendant, or Warden, of the town of Mount Pleasant, I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes of my appointment. So help me God."

**Managers.**

**Oath.**

**How vacancies may be filled.** III. *And be it further enacted*, That in case a vacancy shall occur in the office of Intendant, or any of the Wardens, by death, resignation, or removal from office, or absence from the State, an election shall be held, by the appointment of the Intendant and Wardens, or Wardens, as the case may be, ten days previous notice being given; and in case of the

sickness or temporary absence of the Intendant, the Wardens, forming a Council, shall be empowered to elect one of themselves, to act as Intendant during the time. A. D. 1837.

IV. *And be it further enacted*, That the Intendant and Wardens, duly elected and qualified, shall, during their term of service, severally and respectively, be vested with all the powers of justices of the quorum of this State, within the limits of the said town; that the Intendant shall and may, as often as occasion may require, summon the Wardens to meet him in council, a majority of whom shall constitute a quorum for the transaction of business, and shall be known by the name of the "Town Council of Mount Pleasant; and they, and their successors in office, may have a common seal, and shall have power and authority to appoint, from time to time, such and so many proper persons to act as constables within their jurisdiction, according to law, as they shall deem expedient or proper; which constables shall have all the powers, privileges and emoluments, and be subject to all the duties, penalties and regulations, provided by the laws of the State for the office of constable; and the Intendant and Wardens in council shall have power, under their corporate seal, to ordain and establish all such rules, bye-laws and ordinances, respecting the streets, ways, markets, and police of said town, as shall appear to them proper, for the security, welfare and convenience of said town, and for preserving the health, peace, order and good government within the same; and the said council may affix fines for offences against such bye-laws and ordinances, and appropriate the same to the use of the corporation; but no fine shall exceed fifty dollars; and when the fines exceed twenty dollars, they may be recovered in the Court of Sessions for Charleston district; and when they are of the amount of twenty dollars, or under, they may be recovered before the said intendant and wardens in council; *provided*, that nothing herein contained shall empower the said council to ordain or establish any bye-laws or ordinances, inconsistent with, or repugnant to, the laws of the land; and all such bye-laws and ordinances shall at all times be subject to the revisal or repeal of the Legislature. Powers of Intendant and Wardens.  
May affix fines.  
How fines are recoverable.

V. *And be it further enacted*, That the said intendant and wardens shall have power to abate and remove nuisances within the said limits; and to classify the inhabitants liable to do patrol duty, and to require them to perform such duty as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now or may be hereafter established by law; and that the said intendant and wardens, or any of them, upon their own personal knowledge, or upon complaint lodged on oath, are hereby authorized and required to issue warrants against all offenders and cause them to be brought before them or him, and upon due examination, shall either release, admit to bail, if the offence be bailable, or commit to gaol such offenders, as the case may require; and the sheriff of Charleston district is hereby required to receive and keep the persons so committed, until discharged by due course of law; and that the said intendant and wardens shall, collectively and severally, have cognizance within the said corporate limits in all criminal cases, as justices of the peace and quorum have, according to law. May remove nuisances, and issue warrants.

VI. *Be it further enacted*, That it shall be the duty of the said intendant and wardens to keep all roads, streets and alleys within the said limits, open and in good repair, and for that purpose they are invested with all the powers granted by law to the commissioners of roads, and for neglect of duty they shall be liable to the penalties imposed on commissioners of roads for like neglect. To have the powers, and subject to penalties of Commissioners of Roads.

VII. *And be it further enacted*, That the said Intendant and Wardens

**A. D. 1837.** shall have power to compound with persons liable to work on the said roads, streets and alleys, to release such persons as may desire it, upon the payment of such sum as they may deem a fair equivalent therefor, to be applied by them to the use of said corporation; and no person residing within the said limits shall be liable to work on any road without the said limits, or be taxed or assessed for the same.

May compound  
for road work.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the sixty-second year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

**No. 2741. AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-SEVEN.**

**I. Be it enacted** by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, for the use and service thereof; that is to say, thirty cents ad valorem on every hundred dollars of the value of all lands granted in this State; the sum of sixty cents per head on all slaves of every description; and the sum of two dollars on every free negro, mulatto, or mestizoe, between the ages of fifteen and fifty; (except such as shall be clearly proved, to the satisfaction of the collectors, to be incapable, from maims or otherwise, of providing a livelihood;) thirty cents ad valorem on every hundred dollars of the value of all lots, lands and buildings, within any city, town, village or borough; including all lots, or portions of land, on which buildings may be erected in the immediate vicinity of any city, town, village or borough, in this State; and sixty cents per hundred dollars on factorage employments, faculties and professions, whether in the profession of the law the profits be derived from costs of suit, fees, or other sources of professional income, and on the amount of commissions received by vendue-masters and commission merchants, (clergymen, schoolmasters, schoolmistresses and mechanics, excepted;) to be ascertained and rated by the assessors and collectors throughout this State, according to the best of their knowledge and information; to be paid in specie, paper medium, or the bills of the banks of this State; and if any bank of this State shall, in the opinion of the Comptroller-general, become unsafe, so that its bills ought not to be received at the treasury, it shall be his duty to order their reception to be discontinued by the tax collectors.

**II.** The tax collectors of this State are authorized and required to issue their executions against all such free negroes, mulattoes, and mestizoes, as shall neglect or refuse to pay the tax imposed by this Act, directed to the sheriffs of said State, requiring them to sell, for a term not exceeding one year, the service of said free negroes, mulattoes, and mestizoes, to meet the payment of the tax imposed; *provided*, that the sheriff shall not sell the service of any free negro, mulatto, or mestizoe, for a longer term than shall be necessary to pay the taxes due.

Absentees  
double taxed.

**III.** Any person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay, for the use of the State, a double tax on the same; but this clause shall not be construed

to extend to any person sent, or to be hereafter sent, abroad in the service of this State, or of the United States, until one year after the expiration of his commission. A. D. 1837.

IV. All persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of ten dollars per day, before making such exhibition; which sums shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay the same into the public treasury annually; and in case of non-payment, the clerk of the court, or any justice of the peace or quorum, is hereby authorized and required to issue an execution, for double the amount of said tax, directed to any sheriff or constable of the district, and against the body or goods of the person or persons liable to pay the said tax; provided, that nothing herein contained shall be construed to extend to any incorporated town or city. Tax on plays and shows.

V. Sixty cents shall be levied upon every hundred dollars worth of goods, wares and merchandize, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States, or territories thereof, excepted,) which any person shall use or employ as articles of trade, or for sale, barter or exchange, or have in his, her or their possession, on the first day of January, in the year of our Lord one thousand eight hundred and thirty-eight, either on his, her or their own account, or purchased by his, her or their own capital, or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; to be assessed by the assessors and collectors throughout this State, according to the best of their knowledge or information; and every person or persons making returns of such goods, wares and merchandize, to the tax collectors, shall take the following oath or affirmation, to wit: "I, A. B. do solemnly swear, (or affirm) that the return which I now make, is, to the best of my knowledge and belief, a just and true return of the amount and value of all goods, wares and merchandize, (the products of this State, and the unmanufactured products of any of the United States, and territories thereof, excepted,) which I held in my possession on the first day of January, one thousand eight hundred and thirty-eight, for sale, barter or exchange, either on my own account, or upon borrowed capital, or on account of others, as agent, attorney or consignee. So help me God." Oath.

VI. If any tax collector shall refuse or neglect to make his return, and pay the taxes, within the time specified by law, which had been received by him, it shall be the duty of the treasurer, within whose division such default has been made, in addition to the coercive power which he now possesses, to charge the said collector with interest, at the rate of five per cent per month, from the time he ought to have made such return and paid the taxes, to the time of settlement. Defaulting collectors to pay 5 per cent a month.

VII. It shall be the duty of any sheriff or coroner in whose hands the tax executions shall be placed by the tax collector, to collect and pay over the amount for which such execution shall issue, to the treasurer within whose division he may reside, within six months from the time he shall receive the same; and in default thereof, it shall be the duty of the treasurer to issue execution against such sheriff or coroner, for the whole amount expressed in such execution, with interest thereon, at the rate of five per cent per month, from the time he should have paid the same: *Provided*, that sheriffs and coroners be allowed credit for nulla bona executions, as heretofore. Treasurer to issue executions against Sheriffs and Coroners.

A. D. 1837.

Information to  
be given of  
property sold.

VIII. It shall be the duty of every taxable inhabitant of this State, who has, since the first day of October, in the year of our Lord one thousand eight hundred and thirty-six, and prior to the first day of October last, sold or transferred the possession of any personal property liable to tax, (except stock in trade,) to give information, at the time of making his next return, of such sale or transfer, and the name of the person to whom sold or transferred, to the tax collector of the district in which he may reside, to the end that the tax collector may be better enabled to collect the dues thereon.

Tax on persons  
who sell  
Lottery tickets.

IX. No person shall open or keep any office for the sale of lottery tickets, in any other lottery than such as may be authorized by the laws of this State, unless such person shall have paid to the tax collector of the parish or district a tax of two thousand dollars for such privilege; and if any person shall open or keep any office for the sale of lottery tickets, or shall sell, or offer for sale, any lottery tickets, without having paid the said tax, such person, on conviction thereof by indictment, shall forfeit and pay ten thousand dollars; and it shall be the duty of the said tax collector of the district or parish in which such office shall be kept, or in which such lottery tickets shall be sold, or offered for sale, to prosecute all persons who shall offend against the provisions of this Act.

Appropriations  
to be paid.

X. The treasurer of each division is hereby authorized and required to pay quarterly, at the end of each quarter, all appropriations made for and on account of any officer of this State, or other appropriation made within his division; except officers of each branch of the Legislature, who shall be paid by the treasurer of the upper division, at the end of the session of the Legislature; and except the pay bills of the members of each branch of the Legislature, which shall be paid on presentment at either of the treasuries; and except the officers of the South Carolina College, who shall be paid, as heretofore, under their contract with the Board of Trustees, quarterly in advance; and it shall be the duty of either of the treasurers, whenever he shall make any payment, to take a duplicate receipt, and forward the same to the comptroller-general, with his monthly report.

Goods of trans-  
ient persons  
taxed.

XI. If any transient person or persons, not resident in this State, shall at any time sell, or expose to sale, any goods, wares or merchandise whatever, in any house, stall or public place, after the first day of January in each year, such person shall make a return on oath, within ten days after commencing to sell as aforesaid, of the whole amount of the stock in trade he may have possessed at the time, to the tax collector of the district or parish in which the said goods, wares or merchandise shall have been or may be sold or exposed to sale; and if any person shall refuse or neglect to make such return within the time prescribed above, he shall, on conviction thereof by indictment, forfeit and pay the sum of not more than one thousand dollars; unless such person shall have paid for and procured a license, according to the provisions of an Act entitled "An Act to increase the price of license to hawkers and pedlars."

Said tax to be  
collected with-  
in five days.

XII. It shall be the duty of the tax collectors to proceed to collect, from such persons so selling as aforesaid, the tax required by law to be paid on stock in trade, within five days after receiving such return.

Penalty on tax  
collectors for  
not making  
returns.

XIII. If any tax collector shall fail or neglect to require a return to be made on oath, of any person liable to the payment of taxes for the use of the said State, for his or her taxable property, as provided by law, such tax collector shall be liable to a penalty of two hundred dollars, to be recovered by indictment in any court of sessions; one half of which shall be

paid into the treasury, for the use of the State, and the remainder to the person who shall give information of such neglect and prosecute for the same. A. D. 1837.

XIV. It shall be the duty of the tax collector to give public notice of the day he intends to close his books. Collectors to give notice.

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the sixty-second year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-SEVEN. No. 2742.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That Appropriations the following sums be, and they are hereby, appropriated for the payment of public officers, and for other expenses and purposes of Government :

For the salary of the Governor, three thousand five hundred dollars.

For the rent of the Governor's house in Columbia, three hundred dollars.

For the private Secretary of the Governor, five hundred dollars.

For the Messenger of the Governor, two hundred and fifty dollars.

For the salary of one Judge of the Court of Common Pleas, two thousand five hundred and seventy-two dollars.

For the salaries of three Judges, three thousand five hundred dollars each.

For the salaries of seven Judges, three thousand dollars each.

For the salary of the State Reporter, one thousand five hundred dollars : Provided, that only one half that amount be paid to him, unless the said reporter shall print and publish the decisions of the Appeal Court, made during the time he shall act as such reporter, within twelve months after such decisions shall be made.

For the salary of the Attorney-General, eleven hundred dollars.

For the salaries of the Circuit Solicitors, nine hundred dollars each.

For the salary of the Messenger of the Court of Appeals in Charleston, two hundred and fifty dollars.

For the salary of the Messenger of the same Court at Columbia, two hundred and fifty dollars.

For the pay of the Members of the Legislature, and the Solicitors, during the present session, eighteen thousand dollars, if so much be necessary.

For the salaries of the Clerks of the Senate and House of Representatives, each one thousand dollars, to be paid at the adjournment of the Legislature.

For the salaries of two Messengers and two Doorkeepers, each two hundred dollars, to be paid at the adjournment of the Legislature.

For the salary of the Keeper of the State House and Librarian, seven hundred dollars.

For the salary of the Comptroller-general, two thousand dollars.

**A. D. 1837.**

For the salary of the clerk of the Comptroller-general, seven hundred and fifty dollars, to be appointed by him and removed at his pleasure.

For the salary of the Treasurer of the lower division, and for transacting the business of the loan office, and for clerk's hire, two thousand dollars.

For the salary of the Treasurer of the upper division, including clerk's hire, sixteen hundred dollars.

For the salary of the President of the South Carolina College, three thousand dollars.

For the salaries of six Professors in the South Carolina College, two thousand five hundred dollars each.

For the salary of the Treasurer of the College, five hundred dollars.

For the Librarian of the College, six hundred dollars.

For the Secretary of the Board of Trustees of the College, two hundred dollars.

For the salary of the Marshal of the College, four hundred dollars.

And the salaries of the President, Professors, Treasurer and Librarian, shall be paid by the Treasurer of the upper division, quarterly, in advance, their drafts being countersigned by the Treasurer of the College.

For the commons and other incidental expenses of each student in College, from the Orphan House in Charleston, four hundred dollars; to be paid to the Cashier of the Branch Bank in Columbia, for the use of such student.

For the salary of the Adjutant and Inspector General, two thousand five hundred dollars.

For the salary of the Arsenal keeper in Charleston, one thousand dollars.

For the Arsenal keeper and powder receiver in Columbia, at the rate of four hundred dollars per annum.

For the salary of the Physician of the gaol and magazine guard in Charleston, five hundred dollars.

For the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars.

For the payment of pensions and annuities, twenty thousand dollars, if so much be necessary.

For the payment of the contingent accounts of the lower division, seven thousand one hundred dollars, if so much be necessary.

For the payment of the contingent accounts of the upper division, fifteen thousand dollars, if so much be necessary.

For the support of the transient poor of Charleston, payable to the city council, four thousand five hundred dollars, and the city council shall account to the Legislature for the expenditure thereof.

For the support of the transient poor of Georgetown, four hundred dollars, to be expended by the commissioners of the poor for Prince George Winyaw, who shall return, annually, on oath, to the Comptroller-general, an account of their expenditures, to be submitted to the Legislature.

For the payment of claims, according to the reports of the committee on claims, agreed on and adopted at the present session, twelve thousand dollars, if so much be necessary.

For the salaries of the Reading Clerks of the Senate and House of Representatives, each one hundred and fifty dollars, to be paid at the end of the session.

For the Assessor of St. Philip's and St. Michael's, for making out and affixing the assessments of each return, eight hundred dollars.

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For the salary of the Pilot of the harbor and bar of Georgetown, three hundred and twenty dollars.

For the city council of Charleston, in execution of the quarantine laws, one thousand dollars, if so much be necessary.

For the insuring of the buildings of the South Carolina College, five hundred dollars, if so much be necessary.

II. That the Clerks of the Court of Appeals in Columbia and in Charleston, be allowed to draw their salaries quarterly, at the end of each quarter; the Clerk at Columbia, from the Treasurer of the upper division, and the Clerk at Charleston, from the treasurer of the lower division, and the sum of six hundred dollars for each, is hereby, appropriated for that purpose.

For the salary of the Superintendant of public works, three thousand dollars.

For A. S. Johnston, Printer of the House of Representatives, for printing done at this session, fourteen hundred dollars.

For S. Weir, printer of the Senate, for printing done for the Senate at this session, one thousand dollars, to be paid at the rising of the Legislature; and for printing the Acts, Journals of both Houses, and Resolutions of the Legislature, with the Governor's Message in pamphlet form, five hundred dollars; *provided*, that the pamphlets be printed and deposited in the office of the treasurer of the upper division, at Columbia, on or before the twentieth day of February next; otherwise, the latter sum shall not be paid.

For medical accounts, as agreed to by both branches of the Legislature, five hundred dollars, if so much be necessary.

For the support of free schools, thirty-seven thousand dollars, if so much be necessary.

For the contingent fund, subject to the draft of the Governor, for the expenditure of which he shall submit an annual account to the Legislature, seven thousand dollars.

For the Superintendant of the fire proof building in Charleston, one hundred dollars.

For the purchase of books for the Legislative Library, five hundred dollars, if so much be necessary.

In aid of keeping a ferry over Elliott's Cut, subject to the order of the commissioners of roads for St. Andrew's parish, two hundred dollars.

For the education of the deaf and dumb, as agreed to by the Act passed December, eighteen hundred and thirty-four, the sum of twenty-five hundred dollars, if so much be necessary.

For the support of the Arsenal and Magazine Guard of Charleston, nineteen thousand dollars, if so much be necessary.

For the salary of the Quarter-master-general, five hundred dollars.

III. *And be it enacted*, That two thousand five hundred dollars be appropriated for Dr. Thomas Cooper, for his services as Compiler of the Digest of the Statutes of South Carolina, and the sum of five hundred dollars for the services of a Clerk to be employed by him.

For the salary allowed to Chancellor DeSaussure, for the ensuing year, three thousand five hundred dollars.

For the support of the Arsenal and Magazine Guard in Columbia, ten thousand dollars, if so much be necessary.

For insuring the State House, two hundred dollars, if so much be necessary.

For Thomas J. Gantt, for Stationary furnished the Court of Appeals, as agreed to by both branches of the Legislature, two hundred and fifty dollars sixty-two and a half cents.

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For John Sarjeant, on account of a claim against the State, two thousand two hundred and eighty-three dollars.

For Dr. Leland, for a tax twice paid, five dollars and eight cents.

For J. K. Douglas, for a tax improperly paid, twenty-two dollars and ninety-six cents.

For B. Haile, for a tax twice paid, eleven dollars and ninety-seven cents.

For Elihu Payne, for a double tax, sixteen dollars thirteen cents.

For B. H. Brown, for a tax paid by mistake, thirty-six dollars.

For the Commissioners of the Poor for Georgetown, on account of expenses incurred by the introduction of Small Pox into the port of Georgetown, three hundred and ninety-one dollars and fifty-nine cents.

To indemnify the Town Council of Beaufort, for expenses incurred in erecting Pest Houses, nine hundred and twenty-one dollars sixty cents.

For the transient poor of the parish of St. Helena, to be expended under the direction of the town council of Beaufort, two hundred dollars; *provided*, that an account of the disbursement of the said money be submitted to the Legislature, at each session, until the said fund has been expended.

IV. *And be it further enacted*, That the following appropriations be made :

For the purchase of Books and other military contingencies, six thousand dollars, if so much be necessary.

For erecting a Magazine and Barracks, for the accommodation of the Arsenal and Magazine Guard in Columbia, to be expended under the direction of the Governor, five thousand dollars, if so much be necessary.

For arrearages, for the support of the Arsenal and Magazine Guard in Columbia, for the year eighteen hundred and thirty-seven, and expenditures in erecting a guard house, work shop, and enclosing the grounds on which the Arsenal and Magazine are erected, eighteen hundred and twelve dollars and seventy-five cents.

For deficiencies in the appropriation of 1836 and 1837, for the support of the Citadel and Magazine Guard in Charleston, three thousand dollars, to be drawn for by the Governor.

For over-draft by the Governor, on the contingent fund of eighteen hundred and thirty-seven, to be passed to his credit in the Bank, two thousand four hundred and sixty-four dollars ninety-nine cents.

V. *Be it further enacted*, That the following appropriations be made :

Thirty-five thousand dollars to clear out the obstructions in Saltketcher river, and to make the same navigable for boats and rafts from Patterson's bridge to Barnwell court-house.

Ten thousand dollars to clear out the obstructions and improve the navigation of Pee Dee river.

Three thousand dollars to clear out Lake Swamp, in Horry district, and make it navigable for rafts and boats.

Two thousand dollars to clear out the obstructions in Black Mingo creek, and make it navigable from its entrance into Black river to Black Mingo bridge.

For Lynch's creek, thousand dollars, to remove obstructions in said creek from Hudson's bridge to DuBose's bridge, and improve the navigation thereof.

Twenty-five thousand dollars to clear out obstructions in Wateree river and make it navigable for steam boats, from the point where the late contract ended to the boat yard below Camden.

Ten thousand dollars, in addition to the balance of the appropriation of the last session for this work, if so much be necessary, to construct a road

A. D. 1837.

or causway over Santee swamp, at or near Vance's ferry, pursuant to the several reports of the committee on internal improvements; *provided*, that the Superintendent shall not draw any part of either of the appropriations hereby made for the improvement of Saltketcher river, Lake swamp, Black Mingo creek, Wateree river, Lynch's creek, Pee Dee river, and the construction of the causeway over Santee swamp, until he shall have made a contract with a responsible person or persons, (who shall give security for the faithful performance thereof) for the removal of all obstructions, and improving the navigation of the said streams severally, or for the construction of said causeways, in such a manner as shall substantially complete the works for which the said appropriation is made; *provided also*, that if on an examination of any of the works for which appropriations are hereby made, the Superintendent shall deem it inexpedient to undertake said work, he is authorized and required not to undertake the same, but to report to the Legislature thereon, at its next session, excepting Pee Dee river, the improvement of which shall extend only to removing at Thompson's creek shoals, and to remove the logs and snags which most obstruct the navigation, from thence to Georgetown.

VI. *And be it further enacted*, That the following appropriations be made :

For the purchase, on the part of the State, of one hundred and fifty copies of Rice's Index of the Statute Law, for the public officers, as agreed to by a resolution of the Legislature, nine hundred dollars.

For fire-wood and fuel for the Courts of Appeal in Columbia, during the sitting of the said Courts, fifty dollars, if so much be necessary; and the same sum, if so much be necessary, for the Courts of Appeal in Charleston, to be drawn and accounted for by the Clerks of the said Courts.

For A. S. Johnston, for printing the daily journals of both Houses at this session, five hundred and twenty-five dollars.

For the salary of the Librarian of the Court of Appeals, in Columbia, commencing from first of June last, and expense of fuel, two hundred dollars.

For Elizabeth Harper, five dollars and ninety-six cents.

For a new court-house for Lexington district, to be constructed of granite, nine thousand five hundred dollars.

For a new gaol for Darlington district, eight thousand dollars, not more than one half of the sums appropriated for either of the above public buildings, to be drawn from the treasury until the work shall be completed and received by the commissioners entrusted with the erecting of the said buildings.

VII. *And be it further enacted*, That twenty thousand dollars be appropriated, if so much be necessary, to pay the claims of the Florida Volunteers, which may be past by the commissioners appointed by this Legislature.

For B. R. Carrol, two thousand dollars, towards defraying the expense of publishing the collection of works relating to the early history of South Carolina, pursuant to the report and resolution of both branches of the Legislature.

For indemnifying the city council of Charleston, for damages recovered against them for destroying property on Folly Island, to prevent the spread of the Cholera, as provided by the Act passed at this session for that purpose, twelve thousand dollars, if so much be necessary.

For Robert Mills, two thousand dollars, for the redemption of the plats of the district surveys of this State, to be drawn by James Hamilton, C.

**A. D. 1838.** *G. Memminger and Charles Edmonston, commissioners, and paid by them to the said Robert Mills, on his complying with the terms and conditions expressed in the report of the committee on internal improvements, agreed to by both branches of the Legislature.*

In the Senate House, the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the sixty-second year of the Sovereignty and Independence of the United States of America.

**PATRICK NOBLE**, *President of the Senate.*

**D. L. WARDLAW**, *Speaker of the House of Representatives.*

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**No. 2743.** AN ACT to amend the Act directing the representation in the City Council to be apportioned every seven years.

(Passed June 1, 1838. *See last volume.*)

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**No. 2744.** AN ACT for Rebuilding the City of Charleston.

(Passed June 1, 1838. *See last volume.*)

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**No. 2745.** AN ACT TO MAKE CERTAIN APPROPRIATIONS.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sum of seven thousand dollars, if so much be necessary, be, and the same is hereby, appropriated, out of any monies in the Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

II. For the Clerks of the Senate and House of Representatives, each one hundred and fifty dollars; for the Reading Clerk, Messenger and Door-keeper, of both branches of the Legislature, each fifty dollars, for their services during the present session.

III. *And be it further enacted*, That so much of an Act of the last session of the Legislature, entitled "An Act to make appropriations for the year one thousand eight hundred and thirty seven," as relates to the appropriation in behalf Lynch's Creek, be, and the same is hereby, amended, so as to read, "for Lynch's Creek, three thousand dollars, to remove obstructions in said creek."

IV. *And be it further enacted*, That the sum of three thousand three hundred and ninety-one dollars forty-three cents, be appropriated and paid to A. S. Johnston, in full payment of his account, for printing the Statutes at Large, and paper, passed at the present session.

V. *And be it further enacted*, That the Superintendent of Public Works be authorized to draw, from the unapplied appropriation for the extension of the Columbia Canal, so much as may be necessary for the clearing out of the lower part of said canal. A. D. 1838.  
Columbia Canal.

VI. *And be it further enacted* by the authority aforesaid, That no discrimination, exceeding sixty cents per hundred dollars, shall hereafter be made by the officers of this State, or any corporate authorities within the same, between domestic and foreign Insurance Companies, as to the taxes to be levied thereon; and the tax heretofore imposed by the State on foreign Insurance Companies or their agents, is hereby repealed. Repeal of tax on foreign Insurance Companies.

VII. *And be it further enacted*, That eighty-eight dollars be appropriated for Stationary furnished the House of Representatives, to be paid to William Cunningham.

For the payment of the accounts of Benjamin Hart, twenty-three dollars twenty-five cents.

For William Cunningham, for Stationary furnished the Senate, thirty-one dollars.

For the payment of the account of S. Weir, for printing done at the present session, ninety dollars.

In the Senate House, the first day of June, in the year of our Lord one thousand eight hundred and thirty-eight, and in the sixty-second year of the Sovereignty and Independence of the United States of America.

PATRICK NOBLE, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

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AN ACT to Incorporate the Bivingsville Cotton Manufacturing Company. No. 2746.

(Passed December 19, 1838. *See last volume.*)

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AN ACT to define the terms upon which the State will aid in the construction of Turnpike Roads. No. 2747.

(Passed December 19, 1838. *See last volume.*)

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AN ACT TO PROVIDE FOR THE INCREASE AND PRESERVATION OF THE LIBRARY OF THE COURT OF APPEALS, IN CHARLESTON. No. 2748.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the sum of two hundred dollars be, and the same is hereby, appropriated for the annual increase of the Library of the Court of Appeals in Charleston, for the term of twenty years, to be applied and disbursed under the Annual appropriation for Library of Court of Appeals, Charleston.

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authority and direction of the Judges of the said court: That the sum of two hundred dollars be, and the same is hereby, appropriated for the annual salary of the Librarian of the Court of Appeals, in Charleston, for the term of twenty years, who shall be appointed by the said Judges, and be removable at their pleasure; and that the further sum of one hundred dollars, if so much be necessary, be, and the same is hereby, appropriated to put in repair the Library Room of the Court of Appeals, in Charleston, to be expended under the direction of the Librarian.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and in the sixty-third year of the Sovereignty and Independence of the United States of America.

A. PATTERSON, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

**No. 2749. AN ACT TO PERMIT CHANCELLOR HARPER TO BE ABSENT FROM THE STATE.**

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Honorable William Harper, one of the Chancellors of this State, be, and he is hereby, authorized and permitted to be absent from the State for the period of twelve months, from the first day of March next.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and in the sixty-third year of the Sovereignty and Independence of the United States of America.

A. PATTERSON, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

**No. 2750. AN ACT to Incorporate the Pendleton Manufacturing Company.**  
(Passed December 19, 1838. *See last volume.*)

**No. 2751. AN ACT to establish certain Roads, Bridges and Ferries.**  
(Passed December 19, 1838. *See last volume.*)

**No. 2752. AN ACT to Incorporate the Metropolitan Rail Road Company.**  
(Passed December 19, 1838. *See last volume.*)

A. D. 1838.

AN ACT to authorize the formation of the Charleston, Georgetown, No. 2753.  
and All Saints Rail Road Company.

(Passed December 19, 1838. See last volume.)

AN ACT TO AUTHORIZE THE SALE OF THE REAL ESTATE OF ALEXANDER DOWNER, DECEASED; AND FOR OTHER PURPOSES. No. 2754.

WHEREAS, Alexander Downer, late of Edgefield district, deceased, in and by his last will and testament, devised and bequeathed the principal part of his estate, for the purpose of establishing and supporting, on his plantation in the said district, a school for the education of orphan children, but did not give his Executors the power to sell the said plantation for the said purpose; and it appears, from the best and most unquestionable information, that the benevolent intentions of the testator must be frustrated, unless the said plantation be sold, and the proceeds of the sale invested in lands or bank stocks that will produce interest, which will better subserve the final object of the testator, as the said plantation is unhealthy, unproductive and unprofitable; and it appears that since the decease of the Executor of the said last will and testament, no one appears willing to undertake the execution thereof; therefore, for remedy thereof, and in order to render the laudable views of the testator as practical and useful, as his charitable intentions contemplated, and for the purpose of carrying the said will into effect, according to the true spirit thereof:

1. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Commissioner in Equity of Edgefield district, do sell and convey the said plantation of the said Alexander Downer, deceased, agreeably to the order of the Court of Equity; and that the monies arising from such sale, and all other monies or lands belonging to, or to be collected for, the said estate, arising from sales or investments, that were bequeathed by the testator for the education of orphan children, shall be under the control and care of the Court of Equity; and the annual interest thereof shall be applied and appropriated according to the trusts and terms of the said testator's will; and that the Governor be authorized and required to appoint three commissioners, who are hereby authorized and required to superintend the erection of a suitable school house, which shall be built as near the said plantation as they shall deem expedient, and to the building of which they shall (and are hereby authorized so to do) apply the interest arising on the said estate; and they shall appropriate the annual interest that shall accrue on the said estate, after the erection of such school house, in the education of orphan children, agreeably to the said will; and the said commissioners shall make annual returns of their management of the interest aforesaid, to the Court of Equity, and to the Legislature.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty eight, and in the sixty-third year of the Sovereignty and Independence of the United States of America.

A. PATTERSON, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

A.D. 1838.

**No. 2755. AN ACT TO REPEAL SO MUCH OF THE FOURTH SECTION OF AN ACT TO ORGANIZE THE COURTS OF THIS STATE, PASSED ON THE TWENTY-FIRST OF DECEMBER, EIGHTEEN HUNDRED AND THIRTY-SIX, AS RELATES TO ELECTING COMMISSIONERS IN EQUITY, FOR THE DISTRICTS OF CHESTERFIELD AND MARLBOROUGH.**

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That so much of the Fourth Section of the Act of the General Assembly, passed on the twenty-first day of December, in the year of our Lord one thousand eight hundred and thirty-six, as enacts that Commissioners in Equity shall be elected for the districts of Chesterfield and Marlborough, and that said commissioners for the districts of Chesterfield and Marlborough shall attend the sitting of the Court of Equity, at Darlington, with such papers and documents as may be requisite for the hearing and determining of the Equity causes of their respective districts, be, and the same is hereby, repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and in the sixty-third year of the Sovereignty and Independence of the United States of America.

A. PATTERSON, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

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**No. 2756. AN ACT TO AMEND THE TENTH SECTION OF AN ACT GIVING TO MASTERS AND COMMISSIONERS IN EQUITY, THE POWER TO GRANT INJUNCTIONS.**

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the tenth section of the Act passed on the 19th day of December, A. D. 1835, entitled "An Act to amend an Act entitled an Act to revise and amend the judiciary system of the State, and for other purposes," be altered so as to read as follows: That the masters and commissioners in equity may grant injunctions, in the same manner as the chancellors are now authorized to do; which shall continue of force until dissolved or otherwise disposed of by a chancellor, in term time, or at chambers.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and in the sixty-third year of the Sovereignty and Independence of the United States of America.

A. PATTERSON, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives*

A. D. 1838.

AN ACT TO INCREASE THE PENALTIES OF BONDS REQUIRED FROM THE SHERIFFS AND ORDINARIES FOR THE DISTRICT OF MARLBOROUGH. No. 2757.

I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That every sheriff who shall hereafter be elected for the district of Marlborough, shall enter into bond in the penal sum of twenty thousand dollars, instead of the amount now required by law; and every ordinary who shall hereafter be elected for the said district, shall be required to enter into bond in the penal sum of six thousand dollars, instead of the sum now required by law.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and in the sixty third year of the Sovereignty and Independence of the United States of America.

A. PATTERSON, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

AN ACT TO REPEAL THE PENALTIES HERETOFORE IMPOSED UPON THE PRACTICE OF PHYSIC OR SURGERY, AND SALE OF DRUGS, WITHOUT LICENSE. No. 2758.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the second, third, and ninth sections of "An Act to regulate the licensing of physicians to practice, and for other purposes," passed in the year of our Lord one thousand eight hundred and seventeen, be repealed, so far as regards the pains and penalties imposed thereby.

In the Senate House, on the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty eight, and in the sixty-third year of the Sovereignty and Independence of the United States of America.

A. PATTERSON, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

AN ACT TO PROVIDE FOR THE ELECTION OF TAX COLLECTORS FOR EACH OF THE DISTRICTS OF ANDERSON AND PICKENS. No. 2759.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the districts of Anderson and Pickens shall each be entitled to a tax collector.

II. The first election for these officers shall be held on the second Monday and day following in October, next preceding the expiration of the Election.

**A. D. 1838.** term of the present tax collector for Pendleton district; the said election, and all future elections, to be held, managed, and conducted, in all respects, as by law required.

**Duties, liabilities, bonds, &c.** III. The officers, thus elected, shall discharge all the duties, and be subject to all the liabilities, as by law are now provided, or hereafter to be enacted, for such officer: The tax collector of Anderson district shall enter into bond, with good and sufficient security, for the sum of eight thousand dollars; and the tax collector of Pickens district, in a similar bond for the sum of five thousand dollars; and shall each receive the same compensation *pro rata* as is now allowed by law to the tax collector of Pendleton district.

IV. The offices thus created shall in all other respects be made to conform to the provisions of law now of force in this State.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and in the sixty-third year of the Sovereignty and Independence of the United States of America.

A. PATTERSON, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

No. 2760. AN ACT to authorize the City Council of Charleston to close and discontinue Ellery-street.

(Passed December 19, 1838. *See last volume.*)

No. 2761. AN ACT to Incorporate the Union Insurance and Trust Company of South Carolina.

(Passed December 19, 1838. *See last volume.*)

No. 2762. AN ACT TO AMEND THE ACT ENTITLED "AN ACT TO PREVENT OBSTRUCTIONS TO THE PASSAGE OF FISH UP THE SEVERAL RIVERS OF THIS STATE," PASSED ON THE NINETEENTH DAY OF DECEMBER, EIGHTEEN HUNDRED AND TWENTY-SEVEN.

**Number of Commissioners &c.** I. *Be it enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, nine, instead of five, at least four of whom shall reside below Pickett's Mills, shall constitute the number of the board of commissioners of fish sluices, charged with jurisdiction from the foot of Graves's shoals to the mouth of Fishing creek, on the Wateree and Catawba rivers, by the Act entitled "An Act to prevent obstructions to the passage of fish up the several rivers of this State,"

passed on the nineteenth day of December, eighteen hundred and twenty-seven; and the four additional commissioners herein provided for, shall be appointed by joint resolution, as is provided for in the said Act. A. D. 1838.

II. *And be it further enacted* by the authority aforesaid, That the said board of commissioners shall designate and lay out the fish sluices within their boundary but once a year, and shall execute this duty on or before the first day of October, whenever they shall determine to change them in any year. Their duty.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and in the sixty-third year of the Sovereignty and Independence of the United States of America.

A. PATTERSON, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

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AN ACT to authorize a Subscription, in behalf of the State, to the South-western Rail Road Bank. No. 2763.

(Passed December 19, 1838. *See last volume.*)

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AN ACT to authorize the President and Directors of the Louisville, Cincinnati and Charleston Rail Road Company, to increase the rates of Transportation on the Charleston and Hamburg Rail Road, in certain cases, and to grant certain vacant Lots in the Town of Columbia. No. 2764.

(Passed December 19, 1838. *See last volume.*)

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AN ACT to authorize the South-western Rail Road Bank to establish Branches and Agencies in this State. No. 2765.

(Passed December 19, 1838. *See last volume.*)

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AN ACT DIRECTING A CENSUS TO BE TAKEN OF THE FREE WHITE INHABITANTS OF THIS STATE. No. 2766.

WHEREAS, by the third Section of the first Article of the Constitution of this State, as amended on the seventeenth day of December, one thousand eight hundred and eight, it is provided, that for the purpose of an apportionment of the representation of the several election districts of Preamble.

A. D. 1838.

Appointment of  
persons to take  
census.

Their duties.

Circuit Court  
district of  
Charleston.Returns, how  
to be made.Governor to ex-  
amine returns.

Compensation.

the State, an enumeration of the white inhabitants shall be made every tenth year, in such manner as shall be by law directed:

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of carrying into effect the said provision of the Constitution, in regard to taking the census of all the free white inhabitants of this State, a fit and proper person shall be appointed by joint resolution of both branches of the Legislature, during the present session, in each and every circuit court district throughout this State, except the circuit court district of Charleston, for taking the same; and in case any person appointed, as above, shall refuse to accept such appointment, or a vacancy shall happen in any appointment previously accepted, by death, resignation, or otherwise, the Governor for the time being shall forthwith appoint some fit and proper person to fill such vacancy; and it shall be the duty of each and every person so appointed, to make a faithful, accurate and distinct census of all the free white inhabitants residing in each and every election district contained within the circuit district for which he shall have been appointed, so far as the whole or any part of the several election districts shall be contained therein; and each and every person appointed as aforesaid, shall, in making a return of the census he shall be appointed to take, designate and specify, on oath, or his religious affirmation, (to be taken before and certified by a justice of the quorum,) the number of free white inhabitants residing in each and every election district, or part of an election district, contained in the judicial district for which he shall have been appointed.

II. *And be it further enacted* by the authority aforesaid, That in the circuit court district of Charleston, five fit and proper persons shall be appointed in the manner prescribed in the first section of this Act, to take a census of the free white inhabitants of said district, to wit: one person for the parishes of St. Philip's and St. Michael's; one other person for the parishes of St. Stephen's and St. James Santee; one other person for the parish of St. John's Colleton; one other person for the parish of St. James Goose Creek; and one other person for the parishes of St. Thomas and St. Dennis and Christ Church.

III. *And be it further enacted* by the authority aforesaid, That each and every person as aforesaid appointed to take the census in the several circuit court districts or parishes in this State, shall, on or before the first day of August next, deliver their several returns at the office of the Secretary of State, in Columbia, carefully sealed, certified and directed to His Excellency the Governor.

IV. *And be it further enacted* by the authority aforesaid, That the Governor for the time being shall, as early as possible after the first day of August next, examine what returns have been made; and in case it shall appear to him that any person or persons, appointed to take the census as aforesaid, shall in any wise have failed in complying with the duties imposed upon him or them by this Act, either in taking the census or in making a return of the same, he shall, forthwith, cause the same to be taken and returned, pursuant to the provisions of this Act, in every election district or districts where such defaults shall or may be made.

V. *And be it further enacted* by the authority aforesaid, That each and every person so appointed and employed, and who shall have completed the census in the respective circuit court districts or parishes, shall receive a reasonable compensation therefor.

VI. *And be it further enacted* by the authority aforesaid, That each and every person appointed to take the census, shall, before entering on the

duties of his office, take, before some justice of the quorum, the following oath, to wit: "I, A B, do solemnly swear (or affirm, as the case may be,) that I will honestly, truly, faithfully and impartially, take a correct census of all the free white inhabitants residing within the election district of duty. A. D. 1838.  
Oath before entering on

—, or of the election districts, or parts of the election districts contained within the — circuit court district. So help me God." And a certificate from the justice of the quorum who shall administer the said oath, that the same has been duly taken before him, shall accompany and be delivered in with each and every return of the census.

VII. *And be it further enacted* by the authority aforesaid, That the following oath shall be taken before some justice of the quorum, and a certificate endorsed by the said justice on the back of the return from each election district or parish, purporting that the said oath hath been duly taken before him, previously to such return being delivered in or received at the office of the Secretary of State, in Columbia, to wit: "I, A B, do solemnly swear (or affirm, as the case may be,) that this packet contains a just, true, correct and impartial return of all the free white inhabitants residing in the district or parish to which I have been appointed, taken by me. So help me God." Oath on returns.

VIII. *And be it further enacted* by the authority aforesaid, That in case any person, who shall or may be appointed under this Act, for taking the census in any part of this State, should, by sickness, or other imperious or unavoidable cause, be prevented from delivering in at the proper office of the Secretary of State, a return of the census so by him made, in manner and form as aforesaid, then and in that case, he shall transmit, by some faithful and responsible person, the return of the census which he shall have taken within the election district or parish for which he was appointed; and the person or persons by whom any returns as aforesaid may be transmitted, shall, on delivering the said return at the proper office of the Secretary of State, take, before the Secretary of State, or his deputy, who is hereby authorized to administer such oath, (as the case may be,) the following oath, to wit: "I, A B, do swear (or affirm) that I received this sealed packet from the hands of C D, and that the same hath not been opened, or in any wise altered, or out of my possession, since it was received by me. So help me God." Transmission of returns, in cases of sickness, &c.  
Oath of bearer.

IX. *And be it further enacted* by the authority aforesaid, That each and every head or member of a family shall, when summoned thereto by the person appointed under this Act to take the census in his, her, or their election district, make, on oath, or religious affirmation, a correct return of all and every free white person of whom his or her family is composed, under the penalty of twenty dollars; and the persons so appointed to take the census in the several districts, shall be, and are hereby, authorized to administer such oath. Duty and penalty of heads of families.

X. *And be it further enacted* by the authority aforesaid, That it shall be the duty of each and every person appointed to take the census in the several districts of this State by virtue of this Act, to call personally on the head, or some member, of each family in the district for which they have been appointed, and to obtain from such head or member of each family as aforesaid, the number of the free white persons contained in such family respectively. Duty of officers.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty eight, and in the sixty-third year of the Sovereignty and Independence of the United States of America.

A. PATTERSON, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

A. D. 1838.

**No. 2767. AN ACT TO VEST THE REVERSIONARY INTEREST OF THIS STATE IN THE CATAWBA INDIAN LANDS, IN THE LESSEES THEREOF; AND TO SECURE THE SUSTENANCE AND SUPPORT OF THE REMNANT OF THE TRIBE OF CATAWBA INDIANS.**

Investiture.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the reversionary right, title and interest of this State, in and to the Catawba Indian lands, situate in the districts of York and Lancaster, within a boundary of fifteen miles square, and which are represented in a plat of survey made by Samuel Wiley, and dated the twenty-second day of February, one thousand seven hundred and sixty-four, and now on file in the office of Secretary of State, be, and the same are hereby, vested in the persons who now or hereafter may hold the said lands as lessees of the said Catawba Indians, their heirs and assigns, according to the location of their respective leases; *provided*, that nothing herein contained shall be so construed as to impair the interest and right of the said Catawba Indians in and to the said lands; *and provided also*, that before the reversionary interest aforesaid of this State shall in any case vest as before enacted, the lessee, or his or her heirs or representatives, shall execute to the State of South Carolina a bond, and lodge the same in the treasury of the upper division, which shall be in a penal sum, the interest whereof shall be equal to the annual rent now payable by such lessee to the said Indians, and conditioned, that the said lessee shall pay annually into the treasury, on the first Monday in January, in each and every year, the interest of seven per cent. upon the said penalty, in lieu of the rent now payable by him, for the use of the said Indians; and in default of the punctual payment of such interest, the penalty of the said bond shall be thereby forfeited.

Bond, interest, &amp;c.

Pledge to State; priority thereof; forfeiture, &amp;c.

II. *And be it further enacted* by the authority aforesaid, That the respective right, title and interest of such of the lessees as may execute and file such bonds as aforesaid, in and to the said Catawba Indian lands, shall be regarded, and are hereby declared to be, pledged by way of mortgage to the State of South Carolina, to secure the punctual payment of the interest aforesaid; and such pledge shall be regarded by the courts of this State, and is hereby declared to be, prior and paramount to any other lien by mortgage, judgment, execution or other incumbrance; and upon a petition filed by the agent hereinafter to be appointed, or other person, in behalf of the said Indians, to any Judge of Law or Equity, in term time, or at chambers, setting forth the delinquency of any lessee in making payments, according to his or her bond, and upon satisfactory proof made of the fact of delinquency, such Judge is authorized and required to declare, by order, the forfeiture of the right, title and interest of such delinquent lessee in the land aforesaid; and in default of such delinquent lessee in paying up the arrearages and cost, within sixty days from the date of such order, his said right, title and interest shall be directed to be sold by the sheriff of Lancaster or York districts; *provided*, reasonable notice shall be given to the lessee of the filing of such petition; and the proceeds shall be paid into the treasury for the use of the said Indians.

Exemption from taxation, &amp;c.

III. *And be it further enacted* by the authority aforesaid, That the said lands shall be exempt from taxation by the State, until the final extinguishment of the Indian title, by lapse of time, or otherwise according to

law; at which time the said bonds shall be cancelled, and they are hereby declared to be null and void; and the said lands, so held as aforesaid, shall hereafter be considered and adjudged real estate, and, as such, shall pass and descend according to the laws of this State.

A. D. 1838.

IV. *And be it further enacted* by the authority aforesaid, That the Governor be, and he is hereby, authorized to appoint some fit and proper person, as Agent of the Catawba Indians, who shall enter into bond, to the State of South Carolina, in the penal sum of five thousand dollars, with three good securities, to be approved by the commissioners of York or Lancaster districts, appointed to approve the securities of the official bonds of district officers, conditioned for the faithful performance of his duties, as declared by this Act. The duties of said Agent shall be as follows, to wit:—He shall superintend the execution of the bonds, herein before specified, so as to see that they contain the proper penalties, according to the true amounts payable to the said Indians; he shall enter in a book the several amounts of interest, payable annually by the respective lessees, into the treasury; and quarterly, at the end of March, June, September and December, in each year, he shall draw upon the treasurer of the upper division, for one-fourth of the whole amount of interest, secured to be paid by the lessees aforesaid; and the said treasurer is hereby required to pay such draft; and upon receiving the money, the said Agent shall purchase with the same, upon the best terms practicable, first, wholesome provisions: second, necessary clothing; and third, such other necessities or comforts, as the amount of money may warrant; and distribute the same in proper proportions among the said Catawba Indians, having regard to their respective ages, conditions and necessities. He shall keep a book, in which shall be entered a full and accurate account of all his receipts and disbursements; the amount and description of his purchases, and the manner of distribution; and shall file in the offices of the Clerks of Common Pleas, of York and Lancaster districts, quarterly returns thereof, and make to the Governor an annual return of his proceedings and transactions; and as a compensation to said Agent, he shall be entitled to receive the sum of ten per cent upon all monies drawn and expended by him, as is before provided.

Agent, appointed by Governor; his bond, and duties.

V. *And be it further enacted* by the authority aforesaid, That the treasurer of the upper division shall make known to the said Agent the names of each defaulter in paying the interest aforesaid, and the Agent shall proceed by petition, as aforesaid, at the next succeeding term of the Court of Common Pleas or Equity, if not sooner, before a Judge at Chambers; and the said treasurer shall report to the Governor, annually, the amount received from the lessees, and the names of those who make default, and the sum payable by each.

Defaulters; returns by Treasurer of Upper Division

VI. *And be it further enacted* by the authority aforesaid, That all Acts and parts of Acts repugnant to this Act, be, and the same are hereby, repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty eight, and in the sixty-third year of the Sovereignty and Independence of the United States of America.

A. PATTERSON, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

A. D. 1838.

**No. 2768. AN ACT TO AMEND AN ACT TO LEND THE CREDIT OF THE STATE TO SECURE ANY LOAN WHICH MAY BE MADE BY THE LOUISVILLE, CINCINNATI AND CHARLESTON RAIL ROAD COMPANY; AND FOR OTHER PURPOSES.**

**Preamble.** WHEREAS, by an Act passed on the twentieth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, it was enacted, "that the faith and funds of the State of South Carolina, be, and the same are hereby, pledged to secure the punctual payment of any contract which shall be made for borrowing money by the Louisville, Cincinnati and Charleston Rail Road Company, from any person or persons, company or companies, corporation or corporations, to any amount not exceeding two millions of dollars, either in the United States or in Europe." And whereas, in pursuance of the said Act, certain bonds have been issued by the said company, for the equivalent value of one million of dollars, in sterling money, bearing an interest of five pounds per cent per annum; and a contract has been entered into by the said company, for the said bonds, bearing date the ninth day of August, one thousand eight hundred and thirty eight, with the house of Palmers, Mackillop, Dent & Co. of London, which said bonds have been signed by the Comptroller-general of this State, according to the provisions required by the said Act: And whereas, the said bonds, for the equivalent value of one million of dollars, part of the said two millions of dollars, make the interest on the said bonds, and the payment of the principal thereof, payable at the Agency of the Bank of the United States, in London; and in the said contract, it is agreed, that the interest on the said bonds, and the payment of the principal, shall be made by the said Palmers, Mackillop, Dent & Co., or by the house in London which they may appoint for that purpose, with the concurrence of the said company. And whereas, the said company has, by an addition put upon the said contract, sanctioned the payment of the interest and of the principal of the said one million of dollars of bonds, being made by the said Palmers, Mackillop, Dent & Co., or at or by the house in London which they may appoint for that purpose, with the sanction of the said company :

**New stipulation adopted.** I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That this State adopt the stipulation so made in regard to the payment of the principal and interest of the said bonds, and confirm the same, according to the provisions of the said contract.

**Bonds and guaranty divided.** II. And whereas, by the Act aforesaid, it is provided also, "that the Comptroller-General shall not endorse any such contract, until five hundred thousand dollars shall be paid to the company, on the stock thereof; in which event, he shall pledge the funds and faith of the State, for one million of dollars; and when five hundred thousand dollars more shall be paid to the company, on the stock thereof, the Comptroller-general shall pledge the funds and faith of the State, for one other million of dollars:" And whereas, according to the terms of the said provision, the company will be prevented from availing themselves of any portion of said second loan of one million of dollars, until they obtain the whole thereof, whilst the interests of the company and the progress of the work in which they are engaged, would require that the same should be received from time to time, and in such sums as may be required to carry on their operations: *Be it therefore further enacted*, That the guarantee of the State

shall be endorsed by the Comptroller-general, from time to time, on portions of the said bonds, as the company may require them: *provided*, that the corresponding amount of subscriptions to the Rail Road Company shall have been previously paid in by the stockholders, according to the proportions established by the Act of which this is an amendment, that is to say: when six hundred and twenty-five thousand dollars shall have been paid as aforesaid, the faith of the State shall be pledged for two hundred and fifty thousand dollars of the loan of the second million; when the sum of seven hundred and fifty thousand dollars shall have been paid, the faith of the State shall be pledged for a further sum of two hundred and fifty thousand dollars; when the sum of eight hundred and seventy-five thousand dollars shall have been paid, the faith of the State shall be pledged for a further sum of two hundred and fifty thousand dollars; and when one million of dollars shall be paid, the faith of the State shall be pledged for the remaining two hundred and fifty thousand dollars, making, in the whole, the sum of one million of dollars, provided by the aforesaid Act.

A. D. 1838.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and in the sixty-third year of the Sovereignty and Independence of the United States of America.

A. PATTERSON, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

AN ACT to amend "An Act for Rebuilding the City of Charleston." No. 2769.

(Passed December 19, 1838. *See last volume.*)

AN ACT TO RAISE SUPPLIES FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-EIGHT. No. 2770.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax, for the sums and in the manner hereinafter mentioned, shall be raised, and paid into the public treasury of this State, for the use and service thereof; that is to say, thirty cents ad valorem on every hundred dollars of the value of all lands granted in this State; sixty cents per head on all slaves; two dollars on each free negro, mulatto, or mestizoe, between the ages of fifteen and fifty years; (except such as shall be clearly proved, to the satisfaction of the collectors, to be incapable, from maims or otherwise, of providing a livelihood;) thirty cents ad valorem on every hundred dollars of the value of all lots, lands and buildings, within any city, town, village or borough, including all lots, or portions of land, on which buildings may be erected in the immediate vicinity of any city, town, village or borough, in this State; sixty cents per hundred dollars on factorage employments, faculties and professions, whether in the profession of the law the profits be derived

Tax to be raised on lands, negroes, &c. to be paid in notes of the incorporated Banks of this State, &c.

A. D. 1838.

from costs of suit, fees, or other sources of professional income, and on the amount of commissions received by vendue-masters and commission merchants, (clergymen, schoolmasters, schoolmistresses and mechanics, excepted;) to be ascertained and rated by the assessors and collectors throughout this State, according to the best of their knowledge and information; to be paid in specie, paper medium, or the notes of the specie paying banks of this State.

Tax collectors  
must issue exe-  
cutions.

II. The tax collectors of this State are authorized and required to issue their executions against all such free negroes, mulattoes, and mestizoes, as shall neglect or refuse to pay the tax imposed by this Act, directed to the sheriffs of said State, requiring them to sell, for a term not exceeding one year, the service of said free negroes, mulattoes or mestizoes, to meet the payment of the tax imposed; *provided*, that the sheriff shall not sell the service of any such person for a longer term than shall be necessary to pay the taxes due, and costs.

Absentees  
double taxed.

III. Every person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay, for the use of the State, a double tax on the same; but this clause shall not be construed to extend to any person sent, or to be hereafter sent, abroad in the service of this State, or the United States, until one year after the expiration of his commission.

Tax on plays  
and shows.

IV. All persons representing publicly, for gain or reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or those who exhibit wax figures, or shows of any kind whatsoever, shall pay a tax of ten dollars per day, before making such exhibitions; which sum shall be paid into the hands of the clerks of the courts respectively, who shall be bound to pay the same into the public treasury annually; and in case of non-payment, the clerk of the court, or any justice of the peace or quorum, is hereby authorized and required to issue an execution, for double the amount of said tax, directed to any sheriff or constable of the district, and against the body or goods of the person or persons liable to pay the said tax; *provided*, that nothing herein contained shall be construed to extend to any incorporated town or city.

Tax on stock  
in trade.

V. Sixty cents shall be levied upon every hundred dollars worth of goods, wares and merchandize, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States, or territories thereof, excepted,) which any person shall use or employ as articles of trade, or for sale, barter or exchange, or have in his, her or their possession, on the first day of January, in the year of our Lord one thousand eight hundred and thirty-nine, either on his, her or their own account, or purchased by his, her or their own capital, or borrowed capital, or on account of any person or persons, as agent, attorney or consignee; to be assessed by the assessors and collectors throughout this State, according to the best of their knowledge and information; and every person or persons making returns of such goods, wares and merchandize, to the tax collectors, shall take the following oath or affirmation, to wit: "I, A. B. do solemnly swear, (or affirm) that the return which I now make, is, to the best of my knowledge and belief, a just and true return of the amount and value of all goods, wares and merchandize, (the products of this State, and the unmanufactured products of any of the United States, and territories thereof, excepted,) which I held in my possession on the first day of January, one thousand eight hundred and thirty-nine, for sale, barter or exchange,

(Oath.

either on my own account, or upon borrowed capital, or on account of others, as agent, attorney or consignee. So help me God." A. D. 1838.

VI. If any tax collector shall refuse or neglect to make his return, and pay the taxes, within the time specified by law, which had been received by him, it shall be the duty of the treasurer, within whose division such default has been made, in addition to the coercive power which he now possesses, to charge the said collector with interest, at the rate of five per cent per month, from the time he ought to have made such return and paid the taxes, to the time of settlement. Defaulting collectors to pay 5 per cent a month.

VII. It shall be the duty of any sheriff or coroner in whose hands the tax executions shall be placed by the collectors respectively, to collect and pay over the amount for which such execution shall issue, to the treasurer within whose division he may reside, within six months from the time he shall receive the same; and in default thereof, it shall be the duty of the treasurer to issue execution against such sheriff or coroner, for the whole amount expressed in such execution, with interest thereon, at the rate of five per cent. per month, from the time he should have paid the same: *Provided*, that sheriffs and coroners be allowed credit for nulla bona executions, as heretofore. Treasurer to issue executions against Sheriffs and Coroners.

VIII. It shall be the duty of every taxable inhabitant of this State, who has, since the first day of October, in the year of our Lord one thousand eight hundred and thirty-seven, and prior to the first day of October last, sold or transferred the possession of any real or personal property liable to tax, (except stock in trade,) to give information, at the time of making his next return, of such sale or transfer, and the name of the person to whom sold or transferred, to the tax collector of the district in which he may reside, to the end that the tax collector may be better enabled to collect the dues thereon. Information to be given of property sold.

IX. No person shall open or keep any office for the sale of lottery tickets, in any other lottery than such as may be authorized by the laws of this State, unless such person shall have paid to the tax collector of the parish or district a tax of two thousand dollars for such privilege; and if any person shall open or keep any office for the sale of lottery tickets, or shall sell, or offer for sale, any lottery tickets, without having paid the said tax, such person, on conviction thereof by indictment, shall forfeit and pay to the State, ten thousand dollars; and it shall be the duty of the said tax collector of the district or parish in which such office shall be kept, or in which such lottery tickets shall be sold, or offered for sale, to prosecute all persons who shall offend against the provisions of this Act. Tax on persons who sell Lottery tickets.

X. The treasurer of each division is hereby authorized and required to pay quarterly, at the end of each quarter, all appropriations made for and on account of any officer of this State, or other appropriation made within his division; except officers of each branch of the Legislature, who shall be paid by the treasurer of the upper division, at the end of the session of the Legislature; and except the pay bills of the members of each branch of the Legislature, and Solicitors in attendance, which shall be paid on presentment at either of the treasuries; and except the officers of the South Carolina College, who shall be paid, as heretofore, under their contract with the Board of Trustees, quarterly in advance; and it shall be the duty of either of the treasurers of each Division, whenever payment shall be made, to take a duplicate receipt, and forward the same to the comptroller-general, with his monthly report. Appropriations to be paid.

XI. If any transient person or persons, not resident in this State, shall at any time sell, or expose to sale, any goods, wares or merchandise whatever, in any house, stall or public place, after the first day

A.D. 1838.

Goods of trans-  
ient persons  
taxed.

of January in each year, such person shall make return on oath, within ten days after commencing to sell as aforesaid, of the whole amount of the stock in trade he may have possessed at the time, to the tax collector of the district or parish in which the said goods, wares and merchandize shall have been or may be sold or exposed to sale; and if any person shall refuse or neglect to make such return within the time prescribed above, he shall, on conviction thereof before any court of competent jurisdiction, forfeit and pay to the State, not exceeding one thousand dollars; unless such person shall have paid for and procured a license, according to the provisions of an Act entitled "An Act to increase the price of license to hawkers and peddlars."

Said tax to be  
collected with-  
in five days.

XII. It shall be the duty of the tax collectors to proceed to collect, from such persons so selling as aforesaid, the tax required by law to be paid on stock in trade, within five days after receiving such return.

Penalty on tax  
collectors for  
not making  
returns.

XIII. If any tax collector shall fail or neglect to require a return to be made on oath, of any person liable to the payment of taxes for the use of the said State, for his or her taxable property, as provided by law, such tax collector shall be liable to a penalty of two hundred dollars, to be recovered by indictment in any court of competent jurisdiction; one half of which shall be paid into the treasury, for the use of the State, and the remainder to the person who shall give information of such neglect and prosecute for the same.

XIV. It shall be the duty of the tax collector to give public notice of the day he intends to close his books.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and in the sixty-third year of the Sovereignty and Independence of the United States of America.

A. PATTERSON, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

No. 2771. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY-EIGHT.

Salaries in Ex-  
ecutive depart-  
ment.

I. *Be it enacted* by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be, and they are hereby, appropriated for payment of the various officers and expenses of the State government, that is to say: In the Executive Department: For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, five hundred dollars; for the Messenger of the Governor, two hundred and fifty dollars; for the contingent fund of the Executive Department, seven thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to the Legislature; for rent of the Governor's house in Columbia, three hundred dollars.

Legislative:  
Members.  
Solicitors.  
Clerks.  
Messengers  
and Door  
Keepers.

II. In the Legislative Department: For the pay of the members of the Legislature, and the Solicitors, during the present session, eighteen thousand dollars, if so much be necessary; for salaries of the Clerks of the Senate and House of Representatives, one thousand dollars each, to be paid at the adjournment of the Legislature; for the salaries of two Messengers and two Door-keepers, each two hundred dollars, to be paid

at the adjournment of the Legislature; for the salary of the Keeper of the State House and Librarian, seven hundred dollars; for the salaries of the Reading Clerks of the Senate and House of Representatives, each one hundred and fifty dollars, to be paid at the end of the session; for insuring the State House, two hundred dollars, if so much be necessary; for the Printers to the Senate and House of Representatives, in pursuance of a contract made with them by the joint committee of both Houses, three thousand dollars, if so much be necessary, for the printing executed by the said printers, during the present session of the Legislature, the same to be paid them as soon as the amount to be paid under the said contract shall be ascertained by the treasurer of the upper division; for the same printers, for printing in pamphlet form the Acts, Journals of both Houses, Reports and Resolutions agreed to, the Governor's message, Report of the President of the Bank, and of the Comptroller-general, with the usual accompanying documents, five hundred dollars, if so much be necessary; *provided*, that the number of copies specified in the proposals of the printers, as accepted by the Legislature, shall be printed and deposited in the office of the treasurer of the upper division, at Columbia, before the twentieth day of February next; and the amount to be paid, according to the proposals, shall be ascertained by the said treasurer; for printing the rules and other documents, under the resolution of the House, and preparing a digest, under the direction of the Speaker, four hundred dollars, if so much be necessary, the same to be subject to the draft of the Speaker; for the Reporter of the Legislative proceedings, one hundred and fifty dollars; for the repairs and furniture of the Senate Chamber, six thousand five hundred dollars; for two new robes, one for the President of the Senate, and one for the Speaker of the House of Representatives, a new carpet and three lamps for the Senate Chamber, two thousand five hundred dollars, if so much be necessary; for William Cunningham, two hundred and four dollars sixty-three cents, for stationery furnished the Legislature; to Thomas W. Glover, for writs of election, postage and stationery purchased for the same, thirty-four dollars seventeen cents; to E. J. Scott, Reporter, for his services in preparing Calendars for the House, twenty dollars.

A. D. 1838.

Librarian.  
Reading clerks.

Printers.

Acts and Journals.

Time of their delivery.

Rules, &amp;c.

Reporter.  
Repairs, &c.Wm. Cunningham.  
T. W. Glover.

E. J. Scott.

III. In the Judiciary Department: For the salaries of three Judges, three thousand five hundred dollars each; for the salaries of seven Judges, three thousand dollars each; for the salary of the Attorney-general, eleven hundred dollars; for the salaries of the Circuit Solicitors, nine hundred dollars each; for the salary of a Clerk of the Court of Appeals, in Charleston, and another in Columbia, six hundred dollars each, to be paid them in quarterly instalments, by the treasurer of the respective divisions in which they reside; for the salary of the Messenger of the same Court at Columbia, during the ensuing year, two hundred and fifty dollars; for the salary of the Messenger in the same Court, at Charleston, during the ensuing year, two hundred and fifty dollars; for the salaries of a Librarian of the Court of Appeals, in Columbia, and another for the same Court in Charleston, each two hundred dollars, the same to include expenses of fuel; for fire-wood and fuel for the said Courts, at Charleston and Columbia, fifty dollars at each place, if so much be necessary, to be drawn by the Clerks of the said Courts, and expended under the direction of the Judges; for the salary of the State Reporter, fifteen hundred dollars, of which sum not more than one half shall be paid, unless the said reporter shall print and publish such decisions of the Courts of Appeals and of Errors which may be made during his term of office, as the Judges may direct, within twelve months after they shall have been rendered; for the

A. D. 1838.

pay of the Jurors and Constables, twenty-two thousand dollars, if so much be necessary; for repairing the Library room of the Court of Appeals, at Charleston, one hundred dollars, and for the purchase of Books for the same, two hundred dollars; for one hundred copies of Rice's Digest of the cases decided by the Courts of Appeal, in two volumes, twelve hundred dollars, to be paid to William Rice whenever the said copies shall have been delivered to the Secretary of State, pursuant to the report of the judiciary committee, as agreed to by the Legislature; to the widow of the Hon. Elihu Hall Bay, deceased, eight hundred dollars, if so much be necessary, to pay the balance of salary that would have been due on the 19th of February, 1839, if he had so long lived.

Treasury  
Department.

IV. In the Treasury Department: For the salary of the Comptroller-general, two thousand dollars; for the salary of the Clerk of the Comptroller-general, seven hundred and fifty dollars, the said Clerk to be appointed and to be removable at the pleasure of the Comptroller-general; for the salary of the Treasurer of the lower division, and for transacting the business of the loan office, and for Clerk's hire, two thousand dollars; for the salary of the Treasurer of the upper division, including Clerk's hire, sixteen hundred dollars; for the Assessor of St. Philip's and St. Michael's, for making out and affixing the assessments of each return, eight hundred dollars.

South Carolina  
College.

V. For the South Carolina College, viz: For the salary of the President of the College, three thousand dollars; for the salaries of six Professors in the College, two thousand five hundred dollars each; for the salary of the Treasurer of the College, five hundred dollars; and for that of the Librarian, six hundred dollars; for that of the Secretary of the Board of Trustees, two hundred dollars; for the salary of the Marshal, four hundred dollars: the salaries of the said President, Professors, Treasurer and Librarian, to be paid by the Treasurer of the upper division, quarterly in advance, their drafts being countersigned by the Treasurer of the College; for the expenses of each student in College sent from the Orphan House, in Charleston, four hundred dollars, to be paid to the President of the College for the use of such student; for the purchase of Books for the College Library, two thousand dollars, to be paid to the draft of the President of the College, countersigned by the Treasurer of the same; for insuring the buildings of the College, eight hundred dollars, if so much be necessary.

Ordinary civil  
expenses.

VI. For ordinary civil expenses, that is to say: For payment of the contingent accounts of the upper division, seventeen thousand dollars, if so much be necessary; for the payment of the contingent accounts of the lower division, eight thousand five hundred dollars, if so much be necessary; for the payment of pensions and annuities, ten thousand dollars, if so much be necessary; for payment of such claims as shall be admitted by both branches of the Legislature, at the present session, six thousand dollars, if so much be necessary; for the payment of such medical accounts as shall have been admitted by both branches at the present session, three hundred dollars, if so much be necessary; for the support of free schools, thirty-seven thousand five hundred dollars, if so much be necessary; for the salary of the Superintendent of public works, three thousand dollars; for the education of the deaf and dumb, under the Act of December, 1834, the sum of twenty-five hundred dollars, if so much be necessary; for refunding such taxes as is directed by the reports of the committees of finance or ways and means, as agreed to by both branches of the Legislature, eighteen dollars sixty-three cents.

VII. For Military Expenditures, that is to say: For the salaries of the

following officers—the Adjutant and Inspector General, two thousand five hundred dollars; the Quarter-master-general, five hundred dollars; the Arsenal Keeper in Charleston, one thousand dollars; the Arsenal Keeper and Powder Receiver in Columbia, at the rate of four hundred dollars per annum; the Physician of the Gaol and Magazine Guard in Charleston, five hundred dollars; for the support of the Arsenal and Magazine Guard at Charleston, nineteen thousand dollars, if so much be necessary; for the support of the Arsenal and Magazine Guard at Columbia, ten thousand dollars, if so much be necessary; for repairing arms, and for arsenal purposes, in Charleston and Columbia, two thousand dollars, if so much be necessary; to supply a deficiency for the purchase of arms for engagements now made by the agent, W. P. Finley, two thousand eight hundred and forty seven dollars and eighty-four cents, if so much be necessary, to be drawn for and applied by the Governor, upon his being satisfied of the correctness of the account and expenditure; for deficiency in the appropriation of last year, for the Citadel and Magazine Guard at Charleston, one thousand dollars, to be drawn and applied by the Governor; for military contingencies, five thousand dollars, to be drawn by the Governor, and accounted for by him to the Legislature; for the erection of an additional building to the Arsenal and Magazine in the town of Columbia, four thousand dollars, to be drawn as provided by the resolution on that subject, agreed to by the Legislature; for A. V. Brooks, for repairs done to a field piece, seventy-two dollars.

A.D. 1832.  
Military expenditures.

VIII. For ordinary local expenses, viz: For the support of the transient poor of Charleston, four thousand five hundred dollars, to be paid to the city council of Charleston, and by them accounted for to the Legislature; for the salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars; for the execution of the Quarantine Laws, at Charleston, one thousand dollars, if so much be necessary, to be paid to the city council of Charleston, and expended under their direction; for the salary of the Superintendent of the fire proof building in Charleston, during the ensuing year, one hundred dollars; for the support of the transient poor of Georgetown, four hundred dollars, to be expended by the commissioners of the poor for Prince George Winyaw, to be accounted for by them to the Legislature; for deficiency in the appropriation made last year, for the transient poor of Georgetown, as agreed to by the Legislature, at its present session, three hundred and ninety-two dollars seventy-eight cents, to be paid to the same commissioners and accounted for by them as aforesaid; for the salary of the Pilot of the harbor and bar of Georgetown, three hundred and twenty dollars; for aiding the support of a Ferry over Elliott's Cut, two hundred dollars, subject to the orders of the commissioners of roads for St. Andrew's parish.

Ordinary local expenses.

IX. Extraordinary expenditures, that is to say: For Dr. Thomas Cooper, for his services as compiler of the Statutes at Large, two thousand five hundred dollars, and the further sum of five hundred dollars for the services of a clerk to be employed by him, the two last appropriations to be paid in quarterly instalments in advance; for taking the census of the State, in manner agreed upon by the Legislature at the present session, nine thousand dollars, if so much be necessary; for the salaries of the Messengers of the Court of Appeals, in Charleston, for the past year, two hundred and fifty dollars each; and for the salary of the Superintendent of the fire proof building at Charleston, for the same period, one hundred dollars; for A. S. Johnston, for printing the Statutes at Large, three thousand eight hundred and twenty-six dollars sixty-four

Extraordinary expenditures.

A. D. 1838.

cents, as agreed to by the Legislature at the present session; for the payment of sundry certificates of State stock and interest thereon, to Oliver L. Dobson, deputy escheator, for the use of the Orphan House, according to the report of the committee of ways and means, adopted at the present session, eight hundred and twenty-four dollars ninety-eight cents; for the purchase of one hundred and twenty copies of the first and second volumes of Brevard's Reports, published and to be published by Riley, in accordance with a joint resolution of both Houses, fourteen hundred and forty dollars; for an over-draft made by his Excellency P. M. Butler, for various contingencies during the past year, two thousand three hundred and twenty dollars thirty-four cents.

Public buildings.

X. For public buildings, that is to say: For making alterations in the court-house for Sumter district, five thousand dollars, if so much be necessary; for building a new gaol at Bennettsville, for Marlborough district, seven thousand dollars, if so much be necessary; for building a new gaol at Chesterfield court-house, ten thousand dollars, if so much be necessary; for constructing a library and consultation room for the Judges of the Court of Appeals, in the rear of and adjoining the court-house in Columbia, one thousand dollars, to be drawn by the commissioners of public buildings for Richland district, and by them expended; *provided*, that the said commissioners shall furnish an additional sum sufficient to complete said work; for repairs and improvements to the library room, and alteration of the stair-case of the State House, five hundred dollars, if so much be necessary, to be drawn by the Richland delegation, as agreed to by the present Legislature.

Internal improvements.

XI. For Internal Improvements: For clearing out and making navigable Lockhart's Canal, two thousand six hundred dollars, if so much be necessary; for payment of the claim of John Ennett, for work done at Lockhart's Canal, under a contract with T. H. Nixon, former Superintendent, two hundred and eighty dollars.

Confirmation of payment by Treasurer of upper division to Bank,

XII. *Be it further enacted*, That the payment of the sum of four thousand one hundred and sixty-three dollars three cents, made by the treasurer of the upper division, under the resolution of the Legislature, agreed to upon the fifteenth day of December, in the year one thousand eight hundred and thirty-seven, to correct an error in Governor McDuffie's account with the Bank, be, and the same is hereby, confirmed.

Conveyance of Hamburg property to Henry Shultz.

XIII. *And be it further enacted*, That the Honorable B. J. Earle, be, and he is hereby, authorized to convey to Henry Shultz, his heirs and assigns, all the right and title which the State, or the said B. J. Earle, as Trustee of the State, has in and to any real estate in and near the town of Hamburg, formerly purchased by the said B. J. Earle for the State; it being distinctly understood, however, that the State does not intend hereby to surrender its claim upon the bonds and mortgages specified in the report of the commissioners appointed by resolution of the last session; and it being further understood, that no further claims for damages, or other compensation, for any matter between the State and the said Henry Shultz, touching the town of Hamburg, shall hereafter be set up or allowed.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and in the sixty-third year of the Sovereignty and Independence of the United States of America.

A. PATTERSON, *President of the Senate.*

D. L. WARDLAW, *Speaker of the House of Representatives.*

# Appendix.

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## No. 1.

*Containing Statutes of a general nature, which escaped the attention of the former Editor.*

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**AN ACT TO PREVENT WINES OF THE GROWTH OF THE WESTERN ISLANDS, TO BE IMPORTED INTO THIS PROVINCE AS WINES OF THE GROWTH OF MADERA; AND FOR LESSENING THE DUTY OF LIGHT DEER SKINS NOT WEIGHING SIXTEEN OUNCES. No. 1.**

WHEREAS, by an Act made and ratified in open Assembly, the sixth day of May, 1703, laying an imposition on sundry goods, merchandize and liquors, and continued, by several Acts, to the year 1714, which provides, amongst other things, that all wines of the growth of the Western Islands shall pay a duty of five pounds per pipe; and by an additional Act, ratified the tenth day of November, 1711, now expired, which adds a duty of twenty shillings on each pipe of wine: *And whereas*, wines of the growth of the said Western Islands have been found prejudicial to the health of the inhabitants of this Province, (therefore the greater duty imposed,) and notwithstanding the care taken, by oath on the importer, to have the said wines rightly distinguished from wines of the growth of the Island of Madera, which yet have proved ineffectual—for prevention thereof for the future:

I. *Be it enacted* by the most Noble Prince Henry Duke of Beaufort, Palatine, and the rest of the true and absolute Lords and Proprietors of Carolina, together with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown, for the South-west part of this Province, and by the authority of the same, That from and after the ratification of this Act, all persons whatsoever, who shall import any wines into this Province, in any ship or vessle, from Fyall, or any other of the Western Islands, shall, after the ratification of this Act, pay, into the publick treasury of this Province, five pounds for every pipe of such wine he or they shall so import, and so in proportion for a greater or less quantity.

£5 duty laid on all Wines imported from the Western Islands.

A. D. 1713.

Every importer of Madeira Wine to produce a certificate from lader or shipper, of its being the product of Madeira, or it shall be deemed Wines of the Western Islands.

Certificate necessary in case Wines are imported from New England or other Provinces.

To be under oath.

Persons refusing the oath.

Three half pence duty on light deer skins.

II. *And be it further enacted* by the authority aforesaid, That any person which shall, in eight months after the ratification of this Act, import into this Province any wines from the Island of Madera, shall, at the time of such importation, produce certificate before the Comptrouler and Receiver, from the lader or shipper of such wines aboard said ship or vessel, attested under the hand and seal of the Consul of the aforesaid Island, that all the wines there laden are of the growth and product of the said Island, otherwise the said wines shall be taken and deemed as wines of the growth of the Western Islands, and pay a duty of five pounds per pipe accordingly.

III. And for the more effectual prevention of any wines of the growth of Fyall, or any of the Western Islands, to be imported into this Province from New England, or any of her Majesty's plantations in America, and sold in this Province as wines of the growth of Madera, *Be it further enacted* by the authority aforesaid, That in six months after the ratification of this Act, all wines which shall be imported into this Province in any ship or vessel from New England, or any other of her Majesty's plantations in America, the master of such ship or vessel shall produce certificate from the person who lades said wines, that the wines so laden are of the growth and product of the Island of Madera, and that the said wines have not in any manner of ways been adulterated since they were landed in said place; which certificate, being under the oath of the exporter or shipper, shall be produced at the time of such importation, and shall be attested under the hand and seal of the collector or naval officer in said place where such wines are shipped; and if consigned to the master, or to a merchant coming in said ship or vessel, or to any merchant living and abiding in this Province, for disposing of said wines, the person who enters the said wines, shall, besides such certificate, before he landeth said wines, before the Comptrouler, take the following oath, who is hereby empowered to administer the same: "I, A B, do swear, that the wines which I now import have not been any ways adulterated since they came into my custody, or on board my ship or vessel; and that to the best of my knowledge or information, they are of the growth of the Island of Madera. So help me God." And all persons importing any wines, which shall refuse to take the said oath, the wines by him or them so imported shall be deemed as wines of the Western Islands, and pay a duty of five pounds per pipe accordingly.

IV. *Whereas*, by an Act entitled "An Act to lay a duty on sundry merchandizes," among which it is enacted that there be imposed a duty of three pence per skin upon all deer skins, duly ratified in open Assembly, the sixth day of May, 1703, which is continued by an additional Act, which appropriates, yearly, four hundred and fifty pounds of the moneys arising by the said duties, for payment of the salaries of the Ministers of the Church of England, and to no other use or service whatsoever: *Whereas*, all deer skins have three pence per skin duty imposed by the said before recited Act, without any exception; it being found by experience that the said law hath not the desired force as intended, by reason of many light deer skins being exported, which in proportion doth not answer the end designed, many traders, rather than pay the aforesaid duty of three pence per skin, endeavoring by all means possible to run the duties of the said light skins, although to the hazard of losing the whole: And that this Province may not altogether lose the benefit of the said light deer skins, under the weight of sixteen ounces, *Be it enacted* by the authority aforesaid, That from and after the ratification of this Act, all persons which shall export any light deer skins, under the full weight of sixteen ounces,

shall pay to the Publick Receiver no more than three halfe pence per skin, imposed by the aforesaid Act; any thing in the said Act, or any other law, to the contrary notwithstanding. A. D. 1716.

V. *And be it further enacted* by the authority aforesaid, That if any person is found to ship any light deer skins as aforesaid, on board any ship or vesse in this Province, and bound to any of her Magistrate's plantations in America, Great Britaine, or elsewhere, without first having made due entry upon oath, before the Publick Receiver for the time being, that the weight of no one skin, whether the same be packt in cases, hogsheads, or any other way he, she or they intends to export any of the said light skins in, that none of the aforesaid light skins are of the full weight of sixteen ounces, and the packer of all or any such skins shall be obliged to take the said oath; and if the said Publick Receiver have just cause to suspect that any person hath made a false entry of his or her said light skins, by packing skins of the full weight of sixteen ounces, as light skins under the aforesaid weight, the said Publick Receiver is hereby impowered to open any cask, case, or any parcell of skins so packt in order for exportation; and by discovering any parcell of skins of the full weight of sixteen ounces in said case, cask, or any other parcell of skins, he is hereby impowered and commanded to seize the same, and the owner or owners thereof shall not only forfeit the said skins, but also shall forfeit double the value of the said skins so unduely entered; one halfe of all such forfeitures shall be to the use of the informer, and the other halfe to the use of repairing and finishing the several churches and ministers' houses in this Province, to be recovered by action of debt, suit, bill, plaint or information, in any court of record in this Province, wherein no essoign, protection, priviledge, injanction or wager of law, or stay of prosecution by *non vult ulterius prosequi*, or otherwise, shall be admitted or allowed off. In case skins are over 16 ounces.

*Read three times, and ratified in open Assembly,  
this 18th day of December, Anno Domini 1713.*

CHARLES CRAVEN,  
CHARLES HART,  
AR. MIDDLETON,  
RA. IZARD,  
RICHD. BERESFORD,  
SAM. EVELEIGH.

AN ACT FOR THE DUE ENCOURAGEMENT OF DOCTR. WILLIAM CROOK, No. 2.  
OF THIS PROVINCE, IN HIS PREPARING, AND ALSO VENDING AND SELLING, A CERTAIN COMPOSITION, OF HIS OWN INVENTION, ONE PART OF WHICH IS THE OYLE OR SPIRIT OF TAR, WHICH, WITH OTHER INGREDIENTS, WILL PRESERVE THE BOTTOMS OF VESSELS FROM THE RIVER WORM, AND ALSO THE PLANK FROM ROTTING.

WHEREAS, there is no person that ought to have and receive more encouragement than those who, by their art and ingenuity, have first invented, found out and discovered, any secret which may redownd afterwards to a publick good and benefit; *and whereas*, by the petition and humble Preamble.

A.D. 1716.

Exclusive privilege to Dr. Wm. Crook.

request of the said William Crook, exhibited to this General Assembly, setting forth that he has found out and discovered such a secret, as aforesaid, fitting to be encouraged, for the benefit of navigation in general, and for the more safety of shipping, whereby trade and business may not only increase, but likewise be rendered more beneficial to the merchants, and particularly for the interest of this Province, as experience in time may discover—

I. *Be it enacted*, by his Excellency John Lord Carteret, Palatine, and the rest of the true and absolute Lords and Proprietors of this Province of South Carolina, and by and with the advice and consent of the rest of the members of the General Assembly, now met at Charlestown, for the South and West part of this Province, and it is hereby enacted by the authority of the same, That the said William Crook, for his encouragement, and as a reward for so laudable an invention, (provided he, within three years time, after the ratification of this Act, demonstrates to the General Assembly of this Province, that he can really and bona fide perform and fulfil such his invention,) shall have free liberty to compound, make, vend, sell and dispose of, his said composition; and that no other person or persons in this Province do presume to sell or otherwise dispose of any spirit or oyle of tar, or pretend to sell any composition whatsoever of the same nature or kind, that comes from the vaporous part of tar, to any merchant or merchants, or any other person or persons whatsoever, in this Province of South Carolina, without his, the said William Crook's, or his assignes, leave and licence, for the space of seven years after the ratification of this Act, under the penalty and forfeiture of the sum of one thousand pounds, currant money of this Province, to the said William Crook, his executors, administrators or assignes, which is to be sued for by bill, plaint, or information, in any of the courts of record of this Province, wherein no essoign, protection, wager of law, or stay of prosecution, shall be allowed or admitted.

*Read three times, and ratified in open Assembly,  
the thirtieth day of June, 1716.*

ROBT. DANIELL,  
THO. SMITH,  
CHAR. HART,  
GEO. LOGAN,  
NICHOLAS TROTT,  
SAM. EVELEIGH.

**No. 3. AN ACT FOR CONTINUING PEREGRINE FURY, ESQR. AGENT TO SOLICIT  
THE AFFAIRS OF THIS PROVINCE IN GREAT BRITAIN.**

Preamble.

WHEREAS, there are many great and important affairs now depending before the General Assembly of this province, to be solicited and represented in Great Britain, which cannot be effectually done without the assistance of an Agent; and whereas, the General Assembly of this Province have thought fit to continue the said Peregrine Fury, Esqr. Agent, to solicit and transact the affairs of the same: We therefore pray your most Sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency Robert Johnson, Esqr., Captain

General, Governour and Commander-in-Chief, in and over this his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Assembly of this Province, and by the authority of the same, That the said Peregrine Fury, Esqr., be, and he is hereby, continued Agent, to transact and solicit the affairs of this Province in Great Britain. A. D. 1732.  
Peregrine Fury, Esqr. continued Agent of the Province in Great Britain.

II. *And be it further enacted* by the authority aforesaid, That the said Peregrine Fury, Esqr. shall, and he is hereby required and directed to, follow and pursue all such instructions as he shall from time to time receive from the General Assembly, or from the Committee hereinafter named, appointed to correspond with the said Peregrine Fury, Esqr.

III. *And be it further enacted* by the authority aforesaid, That the Honourable Colonel John Fenwicke and John Hammerton, Esqrs., of his Majesty's Council, John Lloyd, Charles Pinckney, Nathaniel Broughton, Othniel Beale, Jacob Bond, Robert Yonge, and Tobias Fitch, Esqr's., or any five of them, one of which always to be of the Council, be, and they are hereby appointed, a Committee to correspond with the said Peregrine Fury, Esqr. and to give him such orders and instructions, as they shall judge for the service of this Province, (the General Assembly not then sitting.) Committee to correspond with him.

IV. *And be it further enacted* by the authority aforesaid, That upon proper accounts being laid before the General Assembly of this Province, by the said Peregrine Fury, Esqr., effectual care shall be taken to discharge and pay him all such sums of money as shall be justly due to him for his Agency, and his reasonable disbursements, in transacting and soliciting the affairs of this Province. To be paid for his Agency and reimbursed.

V. *And whereas*, it is necessary that there should be a Clerk allowed the said Committee of correspondence, to draw and transcribe all letters and papers which may be thought necessary to be sent to the said Agent by the said Committee; *Be it therefore enacted* by the authority aforesaid, that the said Committee have power, and they are hereby empowered, to nominate and appoint a fit person to be their Clerk, who shall be allowed any sum not exceeding fifty pounds, current money of this province, to be paid out of the money appropriated for contingencies, for the services that he shall do to the said Committee. Clerk allowed the committee.  
Committee to appoint one.

VI. *And be it further enacted* by the authority aforesaid, That the said Peregrine Fury, Esqr., shall be and continue Agent to this Province, one whole year, to commence from the day of the Ratification of this Act; and that he be, and he is hereby, allowed the sum of two hundred pounds, sterling money of Great Britain, or as much of the currency of this Province as shall be equal thereto, for his services as Agent, to the time aforesaid. Agent to continue in office one year, and allowed £200.

*In the Council Chamber, Charlestown,  
the 17th March, 1732.*

Assented to:                      PAUL JENYS, *Speaker.*  
RO'BT. JOHNSON.  
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**A. D. 1733.**

**No. 4. AN ACT FOR THE ENCOURAGEMENT OF MR. PETER VILLEPONTOUX IN HIS PROJECTION OF A NEW INSTRUMENT FOR CLEANING OF RICE.**

**Preamble.** WHEREAS, Mr. Peter Villepontoux hath informed us, that he hath, with a great deal of expense and consideration, discovered a new method for cleaning of Rice, which will be very advantageous and beneficial to the inhabitants of this province, in respect that it may be done with more facility and safety, and by many degrees with less charge, than has hitherto been known or used amongst us: To the end, therefore, that all due encouragement be given to ingenuity and industry, when it tends to the publick good of the country; We therefore humbly pray your most Sacred Majesty that it may be enacted,

**Commissioners to examine machine, and if new, exclusive privilege granted for four years.**

**I. And be it enacted,** by his Excellency Robert Johnson, Esqr., Governor, by and with the advice and consent of his Majesty's Council, and the Assembly of this Province, and by the authority of the same, That after the said Villepontoux, shall have produced to the Commissioners in this Act mentioned, one of his said Engines, and that the same shall appear a new invention, and be approved of by the said Commissioners, or a major part of them, he, the said Peter Villepontoux, his Executors, Administrators and Assigns, shall, for the term of four years, to commence from and after the Ratification of this Act, have the sole privilege and advantage of making and framing the said new machine or engine for the cleaning of Rice; and whatsoever person or persons, during the term hereby limited as aforesaid, shall assume to make or use any new machine, engine or contrivance for the cleaning of Rice according to the projection of the above said Peter Villepontoux, without a licence, in writing, first obtained under the hand and seal of him, the said Peter Villepontoux, his Executors, Administrators and Assigns, he, she or they, shall respectively forfeit and pay to the said Peter Villepontoux, his Executors, Administrators or Assigns, the sum of one hundred pounds current money, to be recovered in any court of Record in this Province, by action of debt, bill, plaint or information, wherein no wager of law, essoign, privilege or protection, shall be allowed or admitted, nor any more than one imparlance; *provided*, that nothing herein contained shall abridge any person or persons of the liberty of erecting, framing or using, within the term aforesaid, any mill, machine or engine, that is to be put in motion by wind or water for the cleaning of Rice, or any mortar and pestil, or other instrument heretofore generally made and used in the Province, or to any other new machine or contrivance entirely different from the said machine or engine of the said Peter Villepontoux.

**Not to interfere with machines moved by wind or water.**

**II. And be it further enacted by the authority aforesaid, That the Honourable the Lieutenant Governor, Coll's. John Fenwicke and Thomas Waring, Esq's, William Waties, Alexander Hext, William Elliott, jun'r. Robert Yonge and Othniel Beale, be, and are hereby appointed, Commissioners to inspect, view and determine, concerning the aforesaid engine or machine, according to the true intent and meaning of this Act.**

*In the Council Chamber, Charlestown,  
the 17th March, 1732.*

Assented to: PAUL JENYS, *Speaker*.  
ROBT. JOHNSON.

A. D. 1733.

AN ACT FOR THE ENCOURAGEMENT OF RICHARD HALL, GENT, TO FORWARD THE IMPROVEMENT OF FLAX AND HEMP IN THIS PROVINCE.

No. 5.

FORASMUCH as the growth and improvement of Flax and Hemp in this Province, may prove a very considerable advantage to the people of this country, and may be in the consequence an useful manufacture to his Majesty's Royal Navy, and to the navigation in general of Great Britain. *And forasmuch*, as Richard Hall, Gent, has been at considerable pains in trying and examining the soil of this country, which, he gives us reason to believe, is in many places very well adapted for the culture and production of Flax and Hemp. In order, therefore, to give the said Richard Hall a reasonable encouragement to reside in this Province, and by his skill and experience to promote the rise and increase of that commodity, may it please your most Sacred Majesty that it may be enacted,

Preamble.

I. *And be it enacted*, by his Excellency Robert Johnson, Esqr., Governour, by and with the advice and consent of his Majesty's Council, and the Assembly of this Province, That the said Richard Hall be allowed the salary of one hundred pounds sterling money per annum for the term of three years, if he lives and resides so long in this Province, to commence at any time within two months after he the said Richard Hall shall return from Great Britain, and import to this province three hundred bushels of Hemp-seed, and twenty bushels of Flax-seed, of a good kind and in good condition; which said Hemp and Flax-seed shall be delivered to the Public Treasurer for the time being, to be by him delivered and disposed of as the Commissioners herein named, or any four of them, shall direct, by an order under their hands; which said sum of one hundred pounds sterling per annum, for the said term of three years, is to be paid to the said Richard Hall in yearly payments by the Public Treasurer of this Province, which he is hereby ordered to pay accordingly, upon receipt of an order for that purpose, to be signed by any four of the Commissioners in this Act hereafter named and appointed. And the said Richard Hall's receipt for the said sum of one hundred pounds sterling in yearly payments, for the said term of three years, to commence and endure as aforesaid, shall be a good discharge for so much in the public accounts of the said Treasurer.

Richard Hall allowed £100 for 3 years, for coming into the Province and cultivating Hemp and Flax.

II. And for the better inspection of the said production of Flax and Hemp under said Hall's care and management, *it is hereby further enacted*, that his Excellency the Governour, the Honourable Col. Thomas Broughton, and the Hon. Col. John Fenwicke, and John DeLaBere, William Waties, Robert Yonge and John Lloyd, Esqrs. be Commissioners to inspect and preside over the said Richard Hall, during the said term of three years, in all matters relating to the growth and improvement of Hemp and Flax; and that the said Commissioners, or any four of them, shall have full power to dispose of the said Hemp and Flax-seed, which shall be imported by the said Richard Hall, in such manner as they shall think proper; and the said Richard Hall is hereby directed to pursue and effect, from time to time, the orders and instructions of the said Commissioners, or any four of them, to the best of his skill and ability.

Commissioners to supervise.

III. *And be it further enacted* by the authority aforesaid, That the said Richard Hall be allowed and paid the prime cost and other charges that shall attend the importation of the said three hundred bushels of Hemp-seed and twenty bushels of Flax-seed, by the Public Treasurer of this Province, upon an order for that purpose, signed by any four of the said

Hall allowed his costs and charges.

A. D. 1733. Commissioners; and the said Public Treasurer for the time being is hereby ordered and directed to pay the same, upon the said Commissioners order or orders, signed and presented to him as aforesaid.

*In the Council Chamber, Charlestown,  
South Carolina, 4th May, 1733.*

*Assented to:* PAUL JENYS, *Speaker.*  
ROBT. JOHNSON.

No. 6. AN ACT TO ENCOURAGE CHARLES LOWNDES, ESQR. TO MAKE A NEW MACHINE TO POUND AND BEAT RICE, AND APPROPRIATE THE BENEFIT THEREOF TO HIMSELF.

FORASMUCH as art and ingenuity ought always to be encouraged when it seems to tend to the public advantage; in order, therefore, to give all due encouragement to Charles Lowndes, Esqr. who hath informed us that he hath contrived and projected a new Engine for the pounding and beating of Rice, in an easier method than has yet been used or discovered in this Province: We therefore humbly pray your most Sacred Majesty that it may be enacted,

I. *And be it enacted*, by his Excellency, Robert Johnson, Esqr. Governor, with the advice and consent of his Majesty's Honourable Council, and the Assembly of this Province, and by the authority of the same, That the said Charles Lowndes, his executors, administrators and assigns, shall have the privilege of building and making an Engine, for the pounding and beating of Rice, for his own use, within this Province, for the term of four years, to commence from the day of the Ratification of this Act; and whatsoever person or persons, during the term hereby limited as aforesaid, shall presume to make or use any Engine for the pounding and beating of Rice, according to the projection of the above said Charles Lowndes, without licence in writing, first had under the hand and seal of him the said Charles Lowndes, his executors, administrators or assigns: It is hereby enacted, that he, she or they, shall respectively forfeit and pay to the said Charles Lowndes, his executors, administrators and assigns, the sum of one hundred pounds current money of this Province, to be recovered in an action of debt, or by bill, plaint or information, in any court of record in this Province; any law, usage or custom to the contrary notwithstanding.

II. *And be it hereby further enacted* by the authority aforesaid, That the said Charles Lowndes, his executors, administrators and assigns, shall not, during the term of four years aforesaid, receive or take any more than the just and full sum of sixty pounds current money from any person that shall apply for a licence in writing from him the said Charles Lowndes, his executors, administrators or assigns, for the making or using any such Engine, for pounding or beating such person's own Rice, according to the projection of him the said Charles Lowndes; which said sum shall be deemed to be justly due and owing to the said Charles Lowndes, his executors, administrators and assigns, for and during the term aforesaid.

III. *And it is hereby further enacted*, That if the said Charles Lowndes, his executors, administrators or assigns, shall at any time be applied to for

any advice or instruction, relating to the erection or management of the said Engine, after his or their lycence is obtained for the making and using the same, he the said Charles Lowndes, his executors, administrators or assigns, who, shall for the term aforesaid, be entitled to the benefit of this Act, are hereby directed to keep a pattern Engine, to which persons may have recourse and inspect the same, after lycence is by him or them first obtained as aforesaid.

A. D. 1733.

*In the Council Chamber, 9th June, 1733.*

*Assented to:* PAUL JENYS, *Speaker.*  
ROBT. JOHNSON.

AN ACT FOR THE ENCOURAGEMENT OF FRANCIS GRACIA, OF CHARLESTOWN, IN THE PROVINCE OF SOUTH CAROLINA, IN PROJECTING AND MAKING AN ENGINE FOR THE MORE EXPEDITIOUS BEATING OR POUNDING RICE. No. 7.

WHEREAS, Francis Gracia, of Charlestown, in the Province of South Carolina, joiner, hath, at a great expense of time and labour, invented and discovered an engine for the better and more expeditious beating and pounding of rice, which for many years past hath been the principal staple of this Province of South Carolina: *And whereas*, the introducing and improving such new arts and inventions will be a great advantage to the inhabitants of this Province, by enabling them to be earliest at the foreign markets with their said staple of rice, and ought, therefore, by all proper ways and means, to be encouraged; we humbly pray your most sacred Majesty that it may be enacted, Preamble.

I. *And be it enacted*, by his Excellency Robert Johnson, Esq., Governor, Captain-General, and Commander-in-chief, in and over the Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Assembly of this Province, and by the authority of the same, That the said Francis Gracia, his executors, administrators, and assigns, shall have the sole privilege of building and making an engine for the pounding and beating of rice, for the term of five years, to commence from the day of the ratification of this Act; and whatsoever person or persons, during the term hereby limited as aforesaid, shall presume to make or use any engine for the pounding and beating of rice, according to the projection of the aforesaid Francis Gracia, without lycence, in writing, first had under the hand and seal of him the said Francis Gracia, his executors, administrators, or assigns, it is hereby enacted, that he, she or they, shall respectively forfeit and pay to the said Francis Gracia, his executors, administrators, or assigns, the sum of one hundred pounds current money, to be recovered by action of debt, bill, plaint, or information, in any court of record in this Province; any law, usage or custom, to the contrary in any wise notwithstanding.

II. *And be it further enacted* by the authority aforesaid, That the said Francis Gracia, his executors, administrators and assigns, shall not, during the term of five years aforesaid, receive or take any more than the just and full sum of sixty pounds current money, from any person that shall apply for a license in writing, from him the said Francis Gracia, his executors, administrators or assigns, for the making or using any such engine Price for license to erect one.

Francis Gracia to have the sole privilege to make a machine for pounding rice.

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for pounding and beating such person's own rice, according to the projection of him the said Francis Gracia, which said sum shall be deemed to be justly due and owing to the said Francis Gracia, his executors, administrators, and assigns, for and during the term aforesaid.

Pattern to be  
kept.

III. *And be it further enacted* by the authority aforesaid, That if the said Francis Gracia, his executors, administrators or assigns, shall at any time be applied to for any advice or instruction relating to the erection or management of the said engine, after his or their license is obtained for the making and using the same, he the said Francis Gracia, his executors, administrators or assigns, who shall, for the term aforesaid, be intitled to the benefit of this Act, are hereby directed to keep a pattern or model of such engine, to which persons may have recourse, and inspect the same, after license is by him or them first obtained, as aforesaid.

*In the Council Chamber, 9th June, 1733.*

*Assented to:* PAUL JENYS, *Speaker.*  
ROBT. JOHNSON.

No. 8. AN ACT FOR ENCOURAGING THE MANUFACTURE OF SILK IN THIS PROVINCE, UNDER THE DIRECTION OF MR. JOHN LEWIS POYAS, FOR SEVEN YEARS.

Preamble.

WHEREAS, it hath been found, by experience, that silk of the best and finest sort, equal to any made in Italy, may be made and manufactured in this Province, but for want of proper encouragement and instruction, the inhabitants hath hitherto made the same but in small quantities; *and whereas*, certain proposals have been laid before the General Assembly by John Lewis Poyas, a Piedmontois, which, upon mature and serious consideration thereof, and the offers by him therein made, have appeared to be greatly for the advantage of this Province in general, and the new settlers in particular, for encouraging the said John Lewis Poyas to stay in this Province for the space of seven years, to teach and instruct the inhabitants thereof in the art of making and manufacturing of silk; and for promoting so valuable a branch of trade, we therefore humbly pray your most sacred Majesty that it may be enacted,

Agreement to  
be made be-  
tween commis-  
sioners and  
John Lewis  
Poyas, for en-  
couragement of  
the cultivation  
of Silk.

I. *And be it enacted*, by the Honourable William Bull, Esq., President and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honorable Council, and the Assembly of this Province, and by the authority of the same, That the commissioners hereinafter named, shall, and they are hereby impowered to, contract and agree with the said John Lewis Poyas, for the term of seven years, for the purposes, and under such conditions and restrictions, as hereinafter is ordained and directed, that is to say; that they, the said commissioners, or any three of them, shall, for and on behalf of the public, contract and agree that upon his, the said John Lewis Poyas, compliance with his part of the agreement, they, the said commissioners, or any three of them, shall and will, as soon as they conveniently may or can, after the date of such contract or agreement, find and provide, at the public charge and expence, a plantation in some convenient place, such as they shall think proper, for carrying on a silk work, and put the said John

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Lewis Poyas in possession thereof; and shall also put into his hands and under his care and direction, any number of negroes not exceeding six negroes, or other slaves, to be employed in the said work; and shall also find and provide provisions and necessarys for such slaves, and provisions and other necessarys for the said John Lewis Poyas and his family, for the first year, or pay him the sum of two hundred and eighty pounds, current money of this Province, in lieu thereof, finding also cloths for the said negroes, for the said term of seven years; and that he, the said John Lewis Poyas, shall have and be paid, as a further consideration or compensation for his care, trouble and services, the sum of one hundred pounds sterling per annum, or the value thereof in current bills of this Province, for the first three years of the said seven years, to commence from the time that he, the said John Lewis Poyas, shall execute the bond and agreement mentioned in this Act, and take to his own proper use the clear profits that shall or may arise or accrue by or from the labour of the said slaves and the apprentices to be put to or placed with him by the commissioners, as hereinafter is directed, for and during the whole time or term of seven years; *provided nevertheless*, that he, the said John Lewis Poyas, do and shall, in such agreement, on his part and behalf, for himself, his executors, administrators and assigns, covenant, promise and agree, to and with the said commissioners, and the survivors and survivor of them, that as soon as a plantation, with convenient houses, and such slaves as aforesaid, shall be provided by the commissioners for the purposes aforesaid, and shall be by them, or any three of them, offered or tendered to the said John Lewis Poyas, he, the said John Lewis Poyas, shall forthwith enter upon the business of raising and cultivating Mulberry trees, and raising Worms, and making Silk, and shall from time to time, and at all times during the said term of seven years, be subject and obedient to all the lawful commands and directions of the said commissioners, in and about the management and carrying on of the said silk work; and shall receive and take under his care, and teach and instruct, or cause to be taught and instructed, in the art and manufacture of silk, from the egg to the organizing thereof inclusive, all such white apprentices, not exceeding ten in one year, as shall be put to him by the said commissioners, so as that such apprentices be clothed and maintained at the proper charge and expence of the public, to be provided by the said commissioners; *provided*, that such apprentices be taken from the townships, or the settlers in the Welch Tract; and in case any other white apprentice shall be put to the said John Lewis Poyas by the said commissioners, such apprentices shall be clothed and maintained at the charge of the persons sending such apprentices to the commissioners, and not at the charge of the public; and that he, the said John Lewis Poyas, shall, at all seasonable times and hours, permit and suffer all such persons as shall desire the same, to have free access to the silk works, and to view and inspect the same, in order to inform themselves, and be instructed by him, in the said manufacture; and that at the end or expiration of the said term of seven years, he, the said John Lewis Poyas, his executors or administrators, shall deliver, or cause to be delivered, to the said commissioners, their successors or assigns, the said slaves so to be committed to his care as aforesaid, or such of them as shall be then living, together with their issue or increase; which said slaves, together with their future issue or increase, are hereby declared to be vested in his Majesty, his heirs and successors, for the use of the public of this Province, and shall not be alienated or disposed of without the consent of the General Assembly of this Province.

II. *And be it further enacted* by the authority aforesaid, That after such

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 To give bond. agreement shall be made and entered into as aforesaid, and before the said John Lewis Poyas shall be put into possession of such plantation and negroes as aforesaid, he, the said John Lewis Poyas, shall enter into a bond or obligation to the said commissioners, in the penalty of five hundred pounds, sterling money of Great Britain, with condition that he shall remain in this Province for the said term of seven years, during which term the wife of the said John Lewis Poyas, or any other person that he shall employ skilled in the said work, shall be obliged to follow the directions of the said commissioners in instructing the said apprentices and other persons in the drawing and organizing silk, and all other matters relating to the said silk work; and the said John Lewis Poyas shall, when directed by the said commissioners, endeavour to procure one or two more person or persons skilful in the art of drawing and organizing silk, and who shall be obliged to be under the direction of the said commissioners; the passages of which person or persons, and the charge attending the same, shall be paid by the public, provided the same do not exceed in the whole the sum of fifty pounds, sterling money of Great Britain; and that he shall well and faithfully, in all respects, perform his part of the agreement aforesaid.

**Commissioners to provide slaves, houses, &c.**  
 III. And the better to enable the commissioners hereinafter named to purchase such slaves, and to perform their part of the contract or agreement to be made as aforesaid, *Be it further enacted* by the authority aforesaid, That the said commissioners do and shall purchase any number of negroes or slaves, not exceeding six, of such sizes, sex or age, as they, in their discretion, shall think fit, the charge of which shall be provided for in the estimate of the next succeeding year, and shall purchase provisions and other necessaries for the said John Lewis Poyas and his family, and the said slaves so to be purchased as aforesaid, and shall provide a building or silk house for the same; so that the sum for such provisions, necessaries and buildings, shall not exceed the sum of five hundred pounds; *provided*, the said commissioners cannot find a plantation with houses and buildings thereon, fit and convenient for carrying on the said work; and shall also pay to the said John Lewis Poyas, his salary, as aforesaid, by half yearly payments; for all which sums, (excepting for the purchase of the said negroes) the said commissioners, or a majority of them, shall have power to draw for on the Public Treasurer, who shall pay the same out of the thirty-five thousand and ten pounds orders; and all such sums so to be drawn for by the said commissioners, shall be replaced in the next estimate.

**May hire plantation, &c.**  
 IV. *And be it further enacted* by the authority aforesaid, That the said commissioners, or any three of them, be, and they are hereby, authorized and impowered to hire, or take a lease, of or from any person or persons, of such plantation, land and houses, as in their discretion they shall think fit, proper and convenient for carrying on the said work, so as the term or time for which they shall hire the same do not exceed seven years, and so as the sum to be paid yearly, as a rent for such plantation, land and houses, do not exceed the sum of one hundred pounds current money.

**Fund provided.**  
 V. *And be it further enacted* by the authority aforesaid, That the annual or yearly rent of such plantation, land and houses, as shall be hired by or leased to the commissioners as aforesaid, and the second and third year's salary, which by the said commissioners shall be contracted and agreed to be paid to the said John Lewis Poyas, shall be yearly raised in and by the general tax, and be paid by the Public Treasurer to the said commissioners, or the survivors or survivor of them, for the uses aforesaid.

VI. *And be it further enacted* by the authority aforesaid, That the said commissioners, or any three of them, shall be, and they are hereby, impowered to place or put to the said John Lewis Poyas such number of white apprentices as aforesaid, not exceeding ten in one year, as they in their discretion shall think fit, and shall find and provide for such apprentices as aforesaid, and none other, provisions, cloaths and other necessaries, during the time of their respective apprenticeships; the charge of which shall likewise be raised yearly, by the General Assembly, and shall be paid to the said commissioners, or the survivors or survivor of them, by the Public Treasurer, from time to time, as the same shall be raised. A. D. 1737.  
Apprentices.

VII. *And be it further enacted* by the authority aforesaid, That the several persons hereinafter named, to wit: the Honorable Thomas Waring, and Ralph Izard, Esqrs., and Benjamin Whitaker, Isaac Mazyck, and William Cattell, Esquires, be, and they are hereby declared to be, commissioners for the purposes aforesaid, and for putting this present Act in execution. Commissioners

*In the Council Chamber, the 11th day of March, 1737.*

*Assented to:* C. PINCKNEY, *Speaker.*

WM. BULL.

AN ACT FOR SETTLING A FAIR AND MARKETS IN RADNOR, IN THE PARISH OF ST. HELENA, IN GRANVILLE COUNTY. No. 9.

WHEREAS, the inhabitants on both sides of Cambahee river, near the ferry, by their petition to the General Assembly of this Province, have set forth the disadvantages they are under by being at too great a distance from any public market to dispose of the produce of their plantations, and praying to be relieved by a law to be passed for appointing a fair and markets in the town of Radnor, on the said river, in Granville county; *and whereas*, it appears that the said town is situate in the most convenient place on that river, through which the high road leading from Charlestown to Port Royal and Purrysburg passes, and that a common of about seventy acres of land, joining to the said town, is given by the Honourable William Bull, Esquire, for the use and benefit of the inhabitants of the same, and also a square piece of land laid out for a market place, and certain lots of land for a chappel and free school in the said town of Radnor, as appears by the plan or survey of the said town hereunto annexed, certified the eighteenth day of August, in the year of our Lord one thousand seven hundred and thirty-four, by the said William Bull; *and whereas*, the establishing of fairs and markets will be an encouragement to the better settling of the said town and parts adjacent, as well as the promoting of trade and commerce; we therefore humbly pray your most sacred Majesty that it may be enacted. Preamble.

I. *And be it enacted*, by the Honourable William Bull, Esquire, President and Commander-in-chief in and over his Majesty's Province of South Carolina, by and with the advice and consent of his Majesty's Honourable Council, and the Commons House of Assembly of this Province, and by the authority of the same, That there shall be held and kept at Radnor aforesaid, upon every Tuesday and Saturday in the week, public and open markets; to which markets it shall and may be lawful to and for all and Public and open market to be held at Radnor every Tuesday and Saturday.

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every the inhabitants and sojourners of this Province to go, frequent and resort, and thither to carry all sorts of cattle, grain, victuals, provisions and other necessaries, together with all sorts of merchandizes whatsoever, and at the public market place already assigned and appointed for that purpose, them to expose to sale or barter, in gross or by retail, between sun-rising and sun-setting of the same days, without payment of any toll for seven years, or any other lett, hinderance or molestation whatsoever.

Also, two fairs  
in the year.

Regulations.

II. *And be it further enacted* by the authority aforesaid, That there shall be likewise held and kept in Radnor aforesaid, two fairs in each year, the first annually to begin and commence the second Tuesday in May in every year, and to end upon the Friday then next ensuing, being in all four days inclusive, and no longer, and the second fair to begin and commence the second Tuesday in October in every year, and to end upon the Friday then next ensuing, being in all four days inclusive, and no longer, to which fairs it shall and may be lawful for all and every person or persons, inhabitants, strangers or sojourners of this Province, to the said fairs to go, frequent and resort, and thither to carry, or cause to be carried, all sorts of cattle, horses, mares, colts, grain, victuals, provision, and other necessaries, together with all sorts of merchandizes, of what nature soever, and them to expose to sale or barter, in gross or by retail, at the time, hours and seasons that the directors or rulers of the said fairs for the time, shall proclaim and appoint; which fairs shall be holden, together with a court of py-powders, and with all libertys and free customs to such fairs appertaining, or which ought or may appertain according to the usage and customs of fairs holden in that part of his Majesty's Realm of Great Britain called South Britain or England; and for the more regular government of the said several fairs, the Governor or Commander-in-chief of this Province for the time being, is humbly desired and impowered to commissionate and appoint such person or persons as he shall think fit, to be director or rulers of the said fairs, as also a clerk of the market; which director or ruler so appointed and commissioned as aforesaid, is hereby authorized and impowered to have and hold a court of py-powder, together with all libertys and free customs to such appertaining, and that they and every of them may have and hold there, at their and every of their respective courts, from day to day, and hour to hour, from time to time, upon all occasions, complaints and pleas, a court of py-powders, together with all summons, attachments, arrests, issues, fines, redemptions and commoditys, and other rights whatsoever to the same courts of py-powders appertaining, without any impediment, lett or hindrance whatsoever; *provided always*, that the director or rulers of the fairs aforesaid shall publish, or cause to be published, within and without the libertys of the said fairs, at the beginning of the fair, how long that fair shall endure, to the intent merchants and others shall not be at the said fairs over the time so published, upon pain of being fined for the same.

III. *And for preventing any abuse in the aforesaid fairs, Be it further enacted* by the authority aforesaid, That the director or ruler of the said fairs shall, yearly, appoint and limit out a special and certain open place within Radnor aforesaid, on both or either of the public squares, where the said fairs shall be held and kept, where horses, mares, colts, geldings and cattle may be sold, in which said certain and open place there shall be, by the director or rulers, put and appointed one sufficient person or more, to take toll and keep the same place, from nine of the clock in the morning until sunset of every day of the aforesaid fairs, upon pain to lose and forfeit, upon every default, the sum of ten pounds, current money; and that every toll gatherer, his deputy or deputys, shall, during the time

of every of the said fairs, take the sum of two shillings and six pence, due and lawful toll, for every horse, mare, gelding or colt, or cattle, and ten shillings for every slave, and six pence for every hog, sheep and calf, sold within the said fair, between the hours of nine a clock in the morning and sunset of the same day; and shall have present before him or them, at the taking of the same toll, the partys of the bargain, exchange, gift, contract, putting away, every such horse, mare, gelding, colt or slave, so sold, exchanged or put away, and shall then write, or cause to be written, in a book to be kept for that purpose, the names, surnames and dwelling places of all the said partys, and the colour, with one special mark at least, of every such horse, mare, gelding, colt or other cattle, and the name or some noted description of the slave, on pain to forfeit for every default contrary to the intent hereof, the sum of fifty pounds, and also to answer to the party grieved by reason of the same, his negligence in every behalf.

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IV. *And be it further enacted* by the authority aforesaid, That no person, during the time of holding and keeping the said fairs, shall be liable to be taken at the said fairs by virtue of any process, except for treason, felony, or other capital crime or breach of the peace, but shall be freed and discharged of the same, if taken and arrested at the said fairs, by the justices and judges of such courts out of which the process was issued. Privilege.

V. *And be it further enacted* by the authority aforesaid, That all the fines and forfeitures accruing and arising by virtue of this Act, not exceeding twenty pounds, shall be recovered by warrant under the hand and seal of any one justice of the peace of the said county, and be disposed of, the one half to the poor of the said parish, and the other half to him or them that will prosecute for the same. Fines.

XI. *And be it further enacted* by the authority aforesaid, That all the fines and forfeitures accruing and arising by virtue of this Act, exceeding the sum of twenty pounds, shall be disposed in manner aforesaid, and be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record in this Province, wherein no protection, privilege or essoign, shall be allowed.

*In the Council Chamber, the 11th day of March, 1737.*

*Assented to:* C. PINCKNEY, *Speaker.*

WM. BULL.

# AN ACT RESPECTING SUITS FOR THE RECOVERY OF DEBT.\*

No. 10.

WHEREAS, by an Act of the last General Assembly, passed the twenty sixth day of February, one thousand seven hundred and eighty-two, the commencement of suits for the recovery of debts is thereby prevented, for the time and on the conditions therein mentioned, and the said Act hath now expired, although the reasons and circumstances which induced the enacting of the same do still operate, and continue the citizens of this State under an incapacity of discharging their debts, they being yet oppressed by the losses, calamities and ravages sustained during the invasion, and before the withdrawing of the enemy from the said State. Preamble.

I. *Be it therefore enacted*, by the honorable the Senate and the House of Representatives, met in General Assembly, and by the authority of the same, That no suit shall be commenced for any debt on bond, note or Suits suspended in certain cases.

\* This is Act No. 1180, omitted in vol. 4, p. 560.

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account, contracted previous to the first day of January, one thousand seven hundred and eighty-two, until the expiration of twelve months after the passing of this Act, and from thence to the end of the next sitting of the General Assembly, unless the creditor shall make oath before some magistrate, that he has good reason to believe his debtor intends to quit, or to send his property out of, the State, or unless he shall refuse to give bond with security, for the payment of his debt, to be approved of by such magistrate, in which case, the said suit shall be proceeded into execution, which execution may be levied, but the property so levied shall not be sold, unless the debtor shall still refuse to give the security hereby required, and pay the costs of suit.

What debts  
may be sued  
on.

II. But *whereas*, it is to be presumed that the citizens of this State have refrained, by a prudential consideration of circumstances they were apprised of, from contracting recently with each other extravagant or greater debts than may be discharged from their incomes, or without very great injury to their estates—*Be it therefore enacted* by the authority aforesaid, That the citizens of this State shall be permitted to sue for all debts and demands that have been contracted or have arisen since the twenty-sixth day of February, one thousand seven hundred and eighty-two, and to sue for such interest as hath become due to them on bond or note, since the twenty-sixth day of February aforesaid, and to oblige their debtor to give bond with security, for what interest may be due, antecedent to that day.

British mer-  
chants.

III. And *whereas*, a number of British merchants, by an agreement or compact made between them and the late Governor of the said State, on the twenty-sixth day of October, one thousand seven hundred and eighty-two, have been allowed, on the terms therein expressed, to remain and dispose of their goods and merchandize within the said State—*Be it therefore enacted* by the authority aforesaid, for the reasons set forth in the third section of this Act, and because it is but consistent with justice and equity, That the said merchants be permitted to commence suit for and recover at law all debts and demands that have been contracted, or have arisen, since the fourteenth day of December, one thousand seven hundred and eighty-two.

In the Senate House, the sixteenth day of March, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

HUGH RUTLEDGE, *Speaker of the House of Representatives.*

No. 11. AN ACT AUTHORIZING JUSTICES OF THE PEACE, WHERE THERE ARE NO COUNTY COURTS ESTABLISHED, TO ISSUE ATTACHMENTS AGAINST THE PROPERTY OF PERSONS WHO ARE ABOUT TO ABSCOND OR REMOVE PRIVATELY OUT OF THE STATE OR DISTRICT.\*

Preamble.

WHEREAS, by the fourth clause of the Act for establishing County Courts, the Justices where these Courts are established, are authorized to issue attachments against the property of persons who are absconding or removing privately out of a county, and the said Act hath omitted to give the like authority to the Justices where County Courts are not established.

\* This is Act No. 1387, omitted in vol. 5, p. 63.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, in General Assembly now met, and by the authority of the same, That all and every authority contained in and given by the fourth or other clauses of the said Act to the County Courts, and to any Justice, Sheriff or Constable, concerning the issuing, serving, returning, attachments or disposing of such property, shall be, and the same is by virtue of this Act, given to the District Courts, Justices and other officers, as in the first mentioned Act specified.

A. D. 1788.

In the Senate House, the twenty-seventh day of February, in the year of our Lord one thousand seven hundred and eighty-eight, and in the twelfth year of the Independence of the United States of America.

JOHN LLOYD, *President of the Senate.*

JOHN JULIUS PRINGLE, *Speaker of the House of Representatives.*

## APPENDIX No. 2.

The names attached to and forming part of the four following Acts, were omitted in the publication of those Acts in the 4th volume. Upon consultation with the Commissioners, it was thought that the Editor had no discretion to make any such omission, more especially as these Acts often constitute a link of title in cases arising in Court—viz :

*Names mentioned in the Confiscation Act, vol. 4, 516.*

## LIST No. 1.

| A.                                       | G.                                     |
|------------------------------------------|----------------------------------------|
| Adam Thomas, devisees or heirs of.       | Gibb Doctor, devisees or heirs of.     |
| B.                                       | Greenwood & Higginson.                 |
| Boone Thomas.                            | Gibbons Thomas.                        |
| Brice, Fisher, Linwood & Co.             | H.                                     |
| Bailey John.                             | Holmes Robert.                         |
| Bremar John.                             | Hartley Handasyd Peter Roger, de-      |
| Bull Fenwicke, devisees or heirs of.     | vises or heirs of.                     |
| Baker William Sir, devisees or heirs of. | Hill Richard, devisees or heirs of.    |
| Burn John, devisees or heirs of.         | Hume John, devisees or heirs of.       |
| Balmer Capt., devisees or heirs of.      | Hammerton John, devisees or heirs of.  |
| Brown Thomas Col.                        | Hunter George, devisees or heirs of.   |
| C.                                       | Hall Nathaniel.                        |
| Colleton Mrs., devisees or heirs of.     | I.                                     |
| Campbell Colin.                          | Irvine Lt. Governor.                   |
| Crockatt Doctor, devisees or heirs of.   | K.                                     |
| D.                                       | Knott Jeremiah, devisees or heirs of.  |
| Dean Robert, devisees or heirs of.       | Kincaid George.                        |
| Dee, Brailford, Hodge & Sands.           | L.                                     |
| Douglass Samuel.                         | Lambton Richard, devisees or heirs of. |
| E.                                       | Lorrimore Charles Rev.                 |
| Eycott —, devisees or heirs of.          | M.                                     |
| F.                                       | Montague Greville Charles Lord.        |
| Fullalove Thomas.                        |                                        |

What Estate passed in for Commission in Court

|             |                                         |                                     |
|-------------|-----------------------------------------|-------------------------------------|
| A. D. 1782. | Maine Charles, devisees or heirs of.    | Reeves Henry.                       |
|             | Mansell Walter.                         | Raper Robert, devisees or heirs of. |
|             | Murray John, (of Philliphaugh.)         | Roberts's Barony, proprietors of.   |
|             | Michie James, devisees or heirs of.     | S.                                  |
|             | McCay Patrick, heirs of.                | Savage John.                        |
|             | N.                                      | Simpson John, (of Georgia.)         |
|             | Nisbett John Sir, devisees or heirs of. | Simond Peter.                       |
|             | O.                                      | Stuart John, devisees or heirs of.  |
|             | Ord Capt., of the British Navy.         | Saxby George.                       |
|             | Ogilvie George.                         | T.                                  |
|             | Ogilvie William.                        | Thorps's Barony, proprietors of.    |
|             | Osmond, devisees or heirs of.           | Taylor Peter.                       |
|             | Owners of the lott, the corner of       | W.                                  |
|             | Broad-street and Gadsden's alley.       | Wright Charles.                     |
|             | P.                                      | Wright Jermyn.                      |
|             | Phillips Ralph.                         | Wells Robert.                       |
|             | R.                                      | Wright James Sir.                   |
|             | Rugeley Rowland, devisees or heirs of.  | Wilson Lieut., of the British Army. |
|             |                                         | Williman Christopher.               |

## LIST No. 2.

|                                             |                                     |
|---------------------------------------------|-------------------------------------|
| A.                                          | Holmes Joel.                        |
| Ancrum William.                             | Hare Edward.                        |
| B.                                          | Hartz John.                         |
| Baker Benjamin Capt., devisees or heirs of. | Harvey Alexander.                   |
| Burt William.                               | L.                                  |
| Buckle Thomas, Sen.                         | Legge Edward, Jun.                  |
| Bruce David.                                | Loockock Aaron.                     |
| Buckle Thomas, Jun.                         | M.                                  |
| Brown Archibald.                            | McBeth Alex.                        |
| Beard Robert.                               | McKimmey William                    |
| C.                                          | McKie James.                        |
| Cook James Capt.                            | N.                                  |
| Chalmers Gilbert.                           | Nisbett William.                    |
| Cameron William, (cooper.)                  | P.                                  |
| D.                                          | Price Hopkin, devisees or heirs of. |
| Dupont Gideon, Jun,                         | Petrie Edmund.                      |
| Dennis Richard.                             | R.                                  |
| Duncan James, (blacksmith.)                 | Russell William.                    |
| Downes Arthur.                              | S.                                  |
| E.                                          | Savage Jeremiah.                    |
| Eustace Thomas.                             | Saylor David.                       |
| Elfe Thomas.                                | V.                                  |
| F.                                          | Valentine William.                  |
| Fitzsimmons Christopher.                    | W.                                  |
| Fisher John, (cabinet maker.)               | Wells John, Jun.                    |
| G.                                          | Wagner John.                        |
| Gibbes Walter John.                         | Ward John, (taylor.)                |
| H.                                          | Winstantly Thomas.                  |
| Hambleton Paul, Sen.                        |                                     |

## LIST No. 3.

|                 |                    |
|-----------------|--------------------|
| A.              | D.                 |
| Athine Charles, | Davis John.        |
| C.              | G.                 |
| Cooke George.   | Greenwood William. |

A.D. 1782.

|                     |    |    |                         |
|---------------------|----|----|-------------------------|
| Glen William.       |    | R. | Rugge James.            |
| Hopton John.        | H. |    | Rose John.              |
| Inglis Alexander.   | I. |    | Rose Hugh Dr.           |
|                     | J. |    | Reid Andrew.            |
| Johnston Robert.    | K. | S. | Smyth John.             |
| Kingsley Zephaniah. | L. | T. | Tunno John.             |
| Lindsay Robert.     | M. | V. | Valk Jacob.             |
| McKenzie Andrew.    | P. | W. | Wragg John, (Broad-st.) |
| Phepos Thomas.      |    |    | Wayne Richard.          |
| Philp Robert.       |    |    | Wright Alexander.       |
|                     |    |    | Williams Robert.        |
|                     |    |    | Wilson Robert Dr.       |

## List No. 4.

|                      |    |                            |
|----------------------|----|----------------------------|
| Brisbane James.      | B. | Garden Alex. Dr.           |
|                      | C. | Hinde Patrick.             |
| Cooper Bazil.        |    | Johnston Charles.          |
| Carne Samuel.        |    | Peroneau Robert.           |
| Cletherall James Dr. | D. | Rose Alexander.            |
| Deveaux Jacob.       | F. | Scott John, (son of Jona.) |
| Fenwicke Edward.     | G. |                            |
| Glenn John.          |    |                            |

## List No. 5.

|                                       |    |                                |
|---------------------------------------|----|--------------------------------|
| Ash Richard, (of Beaufort.)           | A. | Cunningham Andrew, (of 96.)    |
| Adamson John.                         |    | Clary Daniel, (of 96.)         |
| Anderson Capt., (of Thicketty creek.) |    | Commandes Thomas Capt.         |
|                                       | B. | D.                             |
| Ball Elias, (of Wambaw.)              |    | Deveaux Andrew, Jun.           |
| Ball Elias, (of Comingtee.)           |    | Dorrell William.               |
| Ballingall Robert.                    |    | Dawkins George.                |
| Brown Malcolm.                        |    | Downey Jno. (Camden district.) |
| Bosseau James.                        |    | E.                             |
| Brockington John, Jun.                |    | English Robert.                |
| Blair Robert.                         |    | F.                             |
| Belton Jonathan.                      |    | Fisher John, (of Orangeburgh.) |
| Brown Hugh.                           |    | Fenwicke Thomas.               |
|                                       | C. | Fraser James Dr.               |
| Cape Brian.                           |    | Fletchall Thomas Col.          |
| Cunningham Robert.                    |    | Floyd Matthew.                 |
| Cassels James, (Georgetown.)          |    | Fanning John.                  |
| Capers Gabriel.                       |    | Foissin Elias.                 |
| Cunningham Patrick.                   |    | Ferguson Henry.                |
| Carey James.                          |    | Fardo Geo. Jun.                |
| Cunningham William.                   |    | Fyffe Charles Dr.              |

A.D. 1782.

|                                      |    |                                           |    |
|--------------------------------------|----|-------------------------------------------|----|
|                                      | G. |                                           | V. |
| Gaillard Theodore.                   |    | Valentine Wm. (of Camden district.)       |    |
| Gordon James, (of Georgetown.)       |    | W.                                        |    |
| Gaillard John.                       |    | Wigfall John.                             |    |
| Gibbes Zachariah.                    |    | Wofford Benjamin.                         |    |
| Gray Robert.                         |    | Y.                                        |    |
| Guest William, (of Tyger river.)     |    | Yarbrough Dandridge James Capt.           |    |
| L.                                   |    | B.                                        |    |
| Legge Benjamin.                      |    | Buckingham Elias.                         |    |
| M.                                   |    | Black Joseph.                             |    |
| McKenzie Robt. Col.                  |    | C.                                        |    |
| Mills Henry Wm.                      |    | Cunningham John, (of 96.)                 |    |
| Mitchell Jno., devisees or heirs of. |    | E.                                        |    |
| McGillory Wm. Capt.                  |    | Elfe William.                             |    |
| N.                                   |    | G.                                        |    |
| Neillie Christopher.                 |    | Gregory Benjamin.                         |    |
| O.                                   |    | Grierson George, (Waxsaws.)               |    |
| O'Neil Henry.                        |    | Geiger Jacob.                             |    |
| Ogilvie Charles.                     |    | H.                                        |    |
| P.                                   |    | Hibben Andrew.                            |    |
| Porcher Philip.                      |    | Holmes James, devisees or heirs of.       |    |
| R.                                   |    | K.                                        |    |
| Rees William.                        |    | King Richard Col.                         |    |
| Rees Benjamin.                       |    | Kirkland Moses.                           |    |
| Rhema Joseph.                        |    | L.                                        |    |
| Rugeley Henry.                       |    | Linder John, Jun,                         |    |
| Rowe Samuel.                         |    | Lynah James Dr.                           |    |
| Robinson Joseph.                     |    | M.                                        |    |
| S.                                   |    | Muckle Murray Patrick.                    |    |
| Smyth James.                         |    | Musgrove John, devisees or heirs of.      |    |
| Seabrook Joseph, Jun.                |    | P.                                        |    |
| Stevens William, (of Saludy.)        |    | Pendarvais Richard, devisees or heirs of. |    |
| T.                                   |    | Plumber Daniel.                           |    |
| Turner David.                        |    |                                           |    |

## List No. 6.

|                                  |                            |
|----------------------------------|----------------------------|
| D.                               | L.                         |
| Deveaux Andrew, Sen.             | Linder John, Sen.          |
| E.                               | M.                         |
| Ellis Edmund.                    | Murrell Robert Porter.     |
| F.                               | S.                         |
| Friday David.                    | Spence Peter Dr.           |
| G.                               | W.                         |
| Guerard David.                   | Willard John.              |
| H.                               | Williamson Andrew.         |
| Harrison Nathaniel.              | Wilson John, (Georgetown.) |
| J.                               | Z.                         |
| Julin George, (new acquisition.) | Zubly Joachim John.        |

*List of the names alluded to in the Act for Amercing certain persons. A.D. 1792.*  
*Vol. 4, 523.*

|                                |                              |
|--------------------------------|------------------------------|
| A.                             | L.                           |
| Allison Robert.                | Legge Edward, Sen.           |
| B.                             | Laroche John Capt. Wadmelow, |
| Blake William,                 | Lance Lambert.               |
| Blankinhorn Henry,             | M.                           |
| Bentham James.                 | Meggott William,             |
| C.                             | Matthews Benjamin,           |
| Clark James, Edisto,           | Muncrief Richard, Jun.       |
| Campbell McCartin,             | Matthews William,            |
| Chisolme Alexander,            | Moore Isham.                 |
| Cater Stephen,                 | O.                           |
| Corbet Thomas,                 | Owen John, Fishing creek.    |
| Carey Nathaniel.               | P.                           |
| D.                             | Pinckney Charles, Sen.       |
| Delyon Isaac,                  | Price William.               |
| Deas John, for himself and Wm. | R.                           |
| Chisolme's estate,             | Rippon Isaac, Wadmelow,      |
| Delahowe John Dr.              | Ratliff Thomas, Jun.         |
| Doughty William.               | S.                           |
| F.                             | Simons Maurice,              |
| Freer John.                    | Sabb William,                |
| G.                             | Scott Jonathan,              |
| Garden Benjamin.               | Sams William,                |
| H.                             | Seabrook Joseph, Sen.        |
| Horry Daniel,                  | Stukes William,              |
| Harleston John Col.            | Steward Charles Augustus.    |
| Hanahan William,               | T.                           |
| J.                             | Tobler John Capt.            |
| Jenkins Joseph Col., Edisto.   | Tobler William Capt.         |
| K.                             | W.                           |
| Kinloch Cleland,               | Wyley Alexander,             |
| Kerr John, in Savannah,        | Webb John,                   |
|                                | Wells John Dr.               |

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*A list of persons on the Confiscation Bill, who have petitioned, and whose cases have been favourably determined in the Senate; and others who have been favourably reported on in the House of Representatives. Vol. 4, 553.*

|                                     |                                      |
|-------------------------------------|--------------------------------------|
| Andrew Reid, heirs and devisees of, | Arthur Downs,                        |
| John Walter Gibbs,                  | David Saylor,                        |
| Jacob Deveaux,                      | Robert Perroneau,                    |
| Charles Johnston,                   | John Gaillard,                       |
| Robert Wilson,                      | Baker, Linwood, & Co.                |
| William Henry McGilvery,            | Richard Wayne,                       |
| Alexander Rose,                     | Edmond Ellis,                        |
| John Glen,                          | Robert Raper, heirs and devisees of, |
| William Ancrum,                     | Peter Taylor,                        |
| Patrick Hinds,                      | James Lynah, Doctor,                 |
| Christopher Williman,               | William Dorrill,                     |
| VOL. VI.—80.                        |                                      |

A. D. 1783.

|                                      |                                 |
|--------------------------------------|---------------------------------|
| Thomas Buckle,                       | Andrew Hibben,                  |
| Edward Hare,                         | Robert Holmes,                  |
| John Scott,                          | Andrew Williamson,              |
| Gilbert Chalmers,                    | James Smyth,                    |
| Daniel Clarey,                       | Joseph Seabrook,                |
| John Musgrove, heirs and devisees    | Doctor Charles Fyfe,            |
| of,                                  | James Gordon,                   |
| John Mitchell, except such part of   | John Wigfall,                   |
| the estate as may descend to his     | Elias Buckingham,               |
| daughter, who married Camp-          | Benjamin Reese,                 |
| bell, a British officer,             | William Reese,                  |
| Robert Lindsay,                      | John George Fardo,              |
| James Duncan,                        | Paul Hamilton,                  |
| Robert Murrell,                      | Thomas Gibbons,                 |
| Edward Legge, Jun.                   | William Nesbitt,                |
| Aaron Loockock,                      | John Wagner,                    |
| David Guerard,                       | Thomas Elfe,                    |
| Sir John Nisbett, heirs and devisees | William Cameron, (cooper,)      |
| of,                                  | Mark Walkman,                   |
| John Adamson,                        | John Ward, (taylor,)            |
| Edmund Petrie,                       | David Bruce,                    |
| John Hartz,                          | Benjamin Baker's estate,        |
| Philip Porcher,                      | William McKimmy,                |
| George Cooke,                        | The heirs and devisees of James |
| James Cook,                          | Michie,                         |
| Henry Rugeley,                       | John Wragg,                     |
| Henry Perroneau,                     | Gabriel Capers.                 |
| Thomas Eustace,                      |                                 |

*List number one, of persons who are taken off the Confiscation List, and are now amerced twelve per cent. Vol. 4, 624.*

|                                      |                                      |
|--------------------------------------|--------------------------------------|
| Ancrum William,                      | Cunningham John,                     |
| Buckle Sen. Thomas,                  | Cooper Robert, petitioned by his     |
| Buckle Jun. Thomas,                  | attorneys,                           |
| Baker Benjamin, representatives of,  | Cooke James, petitioned by his wife, |
| Bonsall Samuel,                      | Downes Arthur,                       |
| Beard Robert,                        | Duncan James,                        |
| Brit William,                        | Devaux Sen. Andrew,                  |
| Blair Robert,                        | Devaux Jacob,                        |
| Buckingham Elias, representatives    | Elfe Thomas,                         |
| of,                                  | Ellis Edmund,                        |
| Brice, Fisher, Linwood, & Co.        | Fisher John, cabinet maker,          |
| Bailey John,                         | Fyff Charles Dr.                     |
| Baker William Sir,                   | Friday David,                        |
| Colleton, estate of, or James Colle- | Foissin Elias,                       |
| ton,                                 | Glen Sen. William,                   |
| Chalmers Gilbert,                    | Glen John,                           |
| Cameron William,                     | Garden Alexander,                    |
| Cooke George,                        | Guerard David,                       |

A D. 1784.

|                                     |                                    |
|-------------------------------------|------------------------------------|
| Gibbs John Walter,                  | Murray Muckle Patrick,             |
| Holmes Joel,                        | Peronneau Henry,                   |
| Hare Edward,                        | Peronneau Robert, representatives  |
| Hamilton Paul,                      | of,                                |
| Hartley Roger Peter, representa-    | Philip Robert, representatives of, |
| tives of,                           | Russell William,                   |
| Hibben Andrew,                      | Rowand Robert, petitioned by his   |
| Inglis Alexander, petitioned by his | wife,                              |
| wife,                               | Savage Jeremiah,                   |
| Johnston Charles,                   | Sailor David,                      |
| Lindsay Robert,                     | Valentine William,                 |
| McKimmie William,                   | Wagner John,                       |
| McKie James,                        | Wragg John,                        |
| McIntosh Locklin,                   | Wilson Robert,                     |
| Murrell Robert P.                   | Wyat John,                         |
| Macbeth Alexander,                  | Winstantly Thomas.                 |
| McKensie Andrew,                    |                                    |

*List number two, of persons who are taken off of the Confiscation List.*

|                                    |                                   |
|------------------------------------|-----------------------------------|
| Burn John, representatives of,     | Musgrove John, the heirs of,      |
| Bruce David, representatives of,   | Michie James, heirs,              |
| DeBrahm William Gerrard,           | Nisbett William,                  |
| Duncan George, representatives of, | Neisbett John Sir, heirs of,      |
| Dennis Richard,                    | Philips Robert, heirs of,         |
| Eustace Thomas,                    | Petrie Edmund,                    |
| Gibbons Thomas,                    | Reed Andrew, heirs of,            |
| Gregory Benjamin, representatives  | Rose Alexander,                   |
| of,                                | Rose Doctor,                      |
| Hinds Patrick,                     | Raper Robert, representatives of, |
| Hartz John,                        | Savage John,                      |
| Loockock Aaron,                    | Scott John, son of Jonathan,      |
| Lynah James,                       | Taylor Peter,                     |
| Mitchell John, representatives of, | Ward John, taylor,                |
| McGilvery William Henry, repre-    | Walkman Mark,                     |
| sentatives,                        | Willeman Christopher.             |

*List number three, of persons who are taken off of the Confiscation List, and are now Amerced twelve per cent, and who are disqualified.*

|                             |                       |
|-----------------------------|-----------------------|
| Adamson John,               | Geiger John Jacob,    |
| Ash Richard Russell,        | Holmes Robert,        |
| Belton Jonathan,            | Legge Jun. Edward,    |
| Brown Archibald,            | Porcher Philip,       |
| Brown Hugh,                 | Phillips James,       |
| Ball Jun. Elias, Comingtee, | Rugely Henry,         |
| Buckingham Elias,           | Rees William,         |
| Cape Brian,                 | Rees Benjamin,        |
| Capers Gabriel,             | Rowe Samuel,          |
| Clarey Daniel,              | Smyth John,           |
| Cletherall James,           | Smyth James,          |
| Cunningham Patrick,         | Seabrook Jun. Joseph, |
| Dorrill William,            | Williamson Andrew,    |
| Fardo John George,          | Wigfall John,         |
| Galliard Theodore,          | Wayne Richard,        |
| Galliard John,              | Roupell George.       |
| Gordon James,               |                       |

## APPENDIX.

### No. 3.

The following is the Act regulating the recording of Marriage Settlements, as taken from the original M. S., (mentioned in the Preface to vol. 5,) in contrast with the Act as engrossed. The errors occurred by inserting interlineations in the wrong place.

*The Act taken from the original M. S., as it passed the two Houses.*

*The Act as engrossed and published in Grimke's Public Laws, page 357, and volume 4th, 656, of this work.*

**AN ACT TO OBLIGE PERSONS INTERESTED IN MARRIAGE DEEDS AND CONTRACTS, TO RECORD THE SAME IN THE SECRETARY'S OFFICE OF THIS STATE.**

**AN ACT TO OBLIGE PERSONS INTERESTED IN MARRIAGE DEEDS AND CONTRACTS, TO RECORD THE SAME IN THE SECRETARY'S OFFICE OF THIS STATE.**

WHEREAS, the practice prevailing in this State, of keeping marriage contracts and deeds in the hands of those interested therein, hath been oftentimes injurious to creditors and others, who have been induced to credit and trust such persons, under a presumption of their being possessed of an estate subject and liable to the payment of their just debts; for remedy whereof, and to prevent such deceitful practices,

*Be it enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That on or before the first day of September next, all and every marriage contract, deed or settlement, now actually existing, after being duly proved, shall be recorded, or lodged in the Secretary's office of this State, to be recorded; and where such contracts or marriage settlements, or the parties thereto, are without the limits of this State, then and in such case, the parties interested therein shall be allowed twelve months from the passing of this Act, to record, or lodge such

WHEREAS, the practice prevailing in this State, of keeping marriage contracts and deeds in the hands of those interested therein, hath been oftentimes injurious to creditors and others, who have been induced to credit and trust such persons, under a presumption of their being possessed of an estate subject and liable to the payment of their just debts; for remedy whereof, and to prevent such deceitful practices,

*Be it enacted*, by the honorable the Senate and House of Representatives, in General Assembly met, and by the authority of the same, That on or before the first day of September next, all and every marriage contract, deed or settlement, now actually existing, after being duly proved, shall be recorded, or lodged in the Secretary's office of this State, to be recorded; and where such contracts or marriage settlements, or the parties thereto, are without the limits of this State, then and in such case, the parties interested therein shall be allowed twelve months from the passing of this Act, to record, and lodge such

contract as aforesaid, in the office aforesaid: And all that shall hereafter be entered into for securing any part of the estate, real or personal, in this State, of any person or persons whomsoever, shall, within three months after the execution thereof, be duly proved, and in like manner be recorded, or lodged in the said office to be recorded, excepting such as shall be entered in without the limits of this State, which shall be recorded, or lodged to be recorded, in the said office, within twelve months from the date thereof: And in case any person or persons whomsoever, interested in such marriage deed, contract or settlement, shall neglect or refuse to record, or lodge the same, in the manner or within the times before mentioned, in the office aforesaid, to be recorded, then the same, in respect to creditors, shall be deemed, and is hereby declared to be, fraudulent; and all and every part of the estate thereby intended to be secured to such person or persons, shall be subject and liable to the payment and satisfaction of the debts due and owing by such person or persons, in as full and ample a manner, to all intents and purposes whatsoever, as if no such deed, contract or settlement, had been ever made or executed.

In the Senate House, the eighth day of March, A. D. 1785, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD,  
*President of the Senate.*  
JOHN F. GRIMKE,  
*Speaker of the House of Rep.*

contract as aforesaid, in the office aforesaid, to be recorded: And all that shall hereafter be entered into for securing any part of the estate, real or personal, in this State, of any person or persons whomsoever, shall, within three months after the execution thereof, be duly proved, and in like manner to be recorded, excepting such as shall be recorded or lodged in the said office: And in case any person or persons, entered in without the limits of this State, which shall be recorded, or lodged to be recorded in the said office, within twelve months from the date hereof, whomsoever interested in such marriage deed, contract or settlement, shall neglect or refuse to record, or lodge the same, in the manner or within the times before mentioned, and in the office aforesaid, to be recorded, then the same, in respect to creditors, shall be deemed, and is hereby declared to be, fraudulent; and all and every part of the estate thereby intended to be secured to such person or persons, shall be subject and liable to the payment and satisfaction of the debts due and owing by such person or persons, in as full and ample a manner, to all intents and purposes whatsoever, as if no such deed, contract or settlement, had been ever made or executed.

In the Senate House, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-five, and in the ninth year of the Independence of the United States of America.

JOHN LLOYD,  
*President of the Senate.*  
JOHN F. GRIMKE,  
*Speaker of the House of Rep.*

A. D. 1785.

## APPENDIX.

No. 4.

### A BILL TO ALTER THE REPRESENTATION IN THE LEGISLATURE OF THIS STATE.

WHEREAS, it is expedient that some certain rule be established for the representation of the several districts of the State in the General Assembly thereof, and that its uniform application at stated periods be further provided for and secured.

I. *Be it therefore enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sections, in amendment of the third, seventh and ninth sections of the first article of the Constitution of this State, be, and they are hereby declared to be, valid parts of the said Constitution; and the said third, seventh and ninth sections, or such parts thereof as are repugnant to such amendments, are hereby repealed and made void.

The House of Representatives shall consist of one hundred and twenty-four members, to be apportioned among the several Election Districts of the State, according to the number of white inhabitants contained, and the amount of all taxes raised by the Legislature, whether direct or indirect, or of whatever species paid in each, deducting therefrom all taxes paid on account of property held in any other district, and adding thereto all taxes elsewhere paid on account of property held in such district; an enumeration of the white inhabitants, for this purpose, shall be made in the year one thousand eight hundred and nine, and in the course of every tenth year thereafter, in such manner as shall be by law directed, and Representatives shall be assigned to the different districts in the above mentioned proportion, by Act of the Legislature at the session immediately succeeding the above enumeration. If the enumeration herein directed should not be made in the course of the year appointed for the purpose by these amendments, it shall be the duty of the Governor to have it effected as soon thereafter as shall be practicable.

In assigning Representatives to the several districts of the State, the Legislature shall allow one Representative for every sixty-second part of the whole number of white inhabitants in the State, and one Representative also for every sixty-second part of the whole taxes raised by the Legislature of the State. The Legislature shall further allow one Representative for such fractions of the sixty-second part of the white

inhabitants of the State, and of the sixty-second part of the taxes raised by the Legislature of the State, as when added together form a unit.

A. D. 1806.

In every apportionment of Representation under these amendments, which shall take place after the first apportionment, the amount of taxes shall be estimated from the average of the ten preceding years, but the first apportionment shall be founded upon the tax of the preceding year, excluding from the amount thereof the whole produce of the tax on sales at public Auction.

If in the apportionment of Representatives under these amendments, any election district shall appear not to be entitled, from its population and its taxes, to a Representative, such election district shall nevertheless send one Representative, and if there should be still a deficiency of the number of Representatives required by these amendments, such deficiency shall be supplied by assigning Representatives to those election districts having the largest surplus fractions, whether those fractions consist of a combination of population and of taxes, or of population or of taxes separately, until the number of one hundred and twenty-four members be provided.

No apportionment under these amendments shall be construed to take effect in any manner, until the general election which shall succeed such apportionment.

The election districts for members of the House of Representatives shall be and remain as heretofore established, except Saxagotha and Newberry, in which the boundaries shall be altered as follows, viz: That part of Lexington in the fork of Broad and Saluda rivers shall no longer compose a part of the election district of Newberry, but shall be henceforth attached to and form a part of Saxagotha; and also, except Orange and Barnwell, or Winton, in which the boundaries shall be altered as follows, viz: That part of Orange in the fork of Edisto shall no longer compose a part of the election district of Barnwell or Winton, but shall be henceforth attached [to] and form a part of Orange election district.

The senate shall be composed of one member from each election district, as now established for the election of members of the House of Representatives, except the district formed by the parishes of St. Philip and St. Michael, to which shall be allowed two Senators as heretofore. The seats of those Senators who under the Constitution shall represent two or more election districts, on the day preceeding the second Monday of October, which will be in the year one thousand eight hundred and ten, shall be vacated on that day, and the new Senators who shall represent such districts under these amendments, shall immediately after they shall have been assembled under the first election, be divided by lot into two classes, the seats of the Senators of the first class shall be vacated at the expiration of the second year, and the second class at the expiration of the fourth year; and the number in these classes shall be so proportioned, that one half of the whole number of Senators may, as nearly as possible, continue to be chosen thereafter every second year.

None of these amendments becoming parts of the Constitution of this State shall be altered, unless a bill to alter the same shall have been read on three several days in the House of Representatives, and on three several days in the Senate, and agreed to at the second and third reading, by two thirds of the whole representation in each branch of the Legislature; neither shall any alteration take place until the Bill so agreed to be published three months previous to a new election for members to the House of Representatives; and if the alteration proposed by the Legislature shall be agreed to in their first session by two-thirds of the whole

A. D. 1810. representation in each branch of the Legislature, after the same shall have been read on three several days in each House, then, and not otherwise, the same shall become a part of the Constitution.

We, the Speaker of the House of Representatives, and President of the Senate of the said State, do hereby certify, that the above Bill has been read, during the present session, three times in the House of Representatives, and three times in the Senate, and agreed to by two thirds of both branches of the Representation.

JOSEPH ALSTON, *Speaker of the House of Representatives.*

WILLIAM SMITH, *President of the Senate.*

In the Senate House, December the 17th, 1808. We, the Speaker of the House of Representatives, and President of the Senate of the said State, do certify that the above Bill has been read three times in the House of Representatives, and three times in the Senate, and agreed to by two thirds of both branches of the Representation.

JOSEPH ALSTON, *Speaker of the House of Representatives.*

SAMUEL WARREN, *President of the Senate.*

#### A BILL TO ALTER THE FOURTH SECTION OF THE FIRST ARTICLE OF THE CONSTITUTION OF THE STATE OF SOUTH CAROLINA.

I. *Be it enacted*, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the fourth section of the first article of the Constitution of this State, be altered and amended to read as follows: Every free white man, of the age of twenty-one years, paupers and non-commissioned officers and private soldiers of the army of the United States excepted, being a citizen of this State, and having resided therein two years previous to the day of election, and who hath a free-hold of fifty acres of land, or a town lot, of which he hath been legally seized and possessed at least six months before such election, or not having such free-hold or town lot, hath been a resident in the election district in which he offers to give his vote, six months before the said election, shall have a right to vote for a member or members to serve in either branch of the Legislature, for the election district in which he holds such property, or is resident.

In the Senate House, the nineteenth day of December, in the year of our Lord one thousand eight hundred and nine, and in the thirty fourth year of the Independence of the United States of America.

SAMUEL WARREN, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*

In the Senate House, December the nineteenth, one thousand eight hundred and ten, We, the Speaker of the House of Representatives and President of the Senate of the said State, do certify, that the above Bill has been read three times in the House of Representatives and three times in the Senate, and agreed to by two-thirds of both branches of the Representation.

SAMUEL WARREN, *President of the Senate.*

JOHN GEDDES, *Speaker of the House of Representatives.*

## APPENDIX.

### No. 5.

This number of the Appendix contains the titles only of a series of private Statutes, omitted by the former Editor from their proper order in the 2nd volume. Upon consultation with the Commissioners, it was thought that they could answer no public purpose, and in all probability never prove of the slightest utility to any one.

AN ACT to enable the persons therein mentioned to make sale of a Town Lott in Charlestown. March 5, 1695.

AN ACT to enable Catherine Snell, the only daughter of Joshua Snell, planter, deceased, to sell and alien Lands, for her maintenance and for the payment of debts and legacys. October 8, 1698.

AN ACT to confirme the title of sixteen hundred and forty-nine acres of Land to Jacob Allen, Esq. October 8, 1698.

AN ACT to intitule Mr. Benjamin Schenkingh to two Town Lotts in Charlestown. October 8, 1698.

AN ACT to confirm to Affra Cuming, relict and executrix of John Cuming, Esq., deceased, all the Lands and Real Estate of the said John Cuming. November 19, 1698.

AN ACT to enable Mrs. Elizabeth Courtis, widow of Daniel Courtis, planter, deceased, to sell and alien Lands, for the payment of debts. November 16, 1700.

AN ACT to confirme a Decree of the Court of Chancery, for sale of a House and Lott by Mrs. Mary Want to Capt. Alexander Parris. November 16, 1700.

AN ACT to settle the estate and title of Capt. Benjamin Ichenkingh to his possession in the severall Plantations and Town Lotts herein mentioned. March 1, 1701.

AN ACT to enable Rachell Caillabuef, relict of Isaac Callabuef, late of Carolina, merchant, deceased, and Executrix of his last will and testament, to sell and alien the Lands and Tenements which did belong to the said Isaac Callabuef. March 1, 1701.

AN ACT to settle one half of the three-eight parts of a Town Lott formerly belonging unto John Williamson, deceased, upon Charles Burnham, gent. and his heirs, and the other half upon Tho. Rose, planter, and Elizabeth his wife, and the heirs of their two bodies, lawfully begotten, or to be begotten, and for want of such issue, then to the heirs of the said Elizabeth, lawfully to be begotten on her body, and for want of such

issue, then to the right heirs of the said Tho. Rose, forever. March 1, 1701.

AN ACT to enable George Dearsley, Esq., the only surviving Executor of Humphry Primatt, late of this Province, merchant, deceased, to sell and alien all and singular the Lands, Tenements, and hereditaments of which the said Humphry died seized and possessed of within this Province. February 3, 1702.

AN ACT for making good the last Will of Joseph Pendarvis, late of this Province, deceased, and for vesting of severall lands and tenements in the devisees, and in severall mean purchasers under them. May 8, 1703.

AN ACT to impower Susanah Founds to make sale of one hundred acres of Land. September 17, 1703.

AN ACT to settle a peice of Land, lying on the Neck of Charlestowne, on William Allen Cooper, his heirs and assignes, forever, devised to him by Joseph Pendarvis, in his last will and testament. September 17, 1703.

AN ACT for settling the estate and title of Jacob Litten, mariner, to his possession in quarter-part of a Town Lott in Charlestown, number nineteen, formerly granted unto David Maybank, the younger. April 9, 1706.

AN ACT for settling the estate and title of Capt. John Flavell, to his possession in one-halfe-quarter-part of a Town Lott in Charlestown, number eleven, formerly granted to Robert Mayo, and in the buildings erected thereupon. April 9, 1706.

AN *Additional* ACT to an Act entitled "An Act for settling the estate and title of Capt. John Flavell to his possession in one-half-quarter-part of a Town Lott in Charlestown, number eleven, formerly granted to Robert Mayo, and the buildings erected thereupon." July 12, 1707.

AN ACT for making good the last will of Joseph Croskeys, deceased, and empowering two of his Executors to sell two-thirds, or to purchase one third of a House, and part of a Town Lott in Charlestown, late of said Joseph Croskeys's, for the better provision for John Croskeys, an infant, and for the easier divideing the said house and lands. July 19, 1707.

AN ACT to enable Ralph Izard, Esq., and Dorothy his wife, late Dorothy Smith, relict and executrix of Christopher Smith, deceased, to sell the real estate of the said Christopher, for the payment of his just debts. May 7, 1709.

AN ACT to enable Henry Noble, Lewis Pasquereau and Peter St. Julien, Executors of the last will and testament of Peter Girard, late of this Province, planter, deceased, to sell and aliene part of the real estate of the said Peter Girard, to pay his just debts, &c. November 5, 1709.

AN ACT for vesting a piece of ground or part of a Lott in Charlestown, number 73, late belonging to William Fulwood, of Charlestown, mariner, in Trustees, to be sold for payment of his debts. November 5, 1709.

AN *Additional* ACT to an Act entitled "An Act to enable Mrs. Sarah Rhett, Administratrix with the will annexed, of Jonathan Amory, late of Carolina, merchant, deceased, to sell and alien the lands and tenements which did belong to the said Jonathan Amory, and not particularly disposed of in his said will. November 5, 1709.

AN ACT for vesting a House and part of a Town Lott, in Charlestown, late belonging to John Walbanck, deceased, in Trustees, for payment of his debts. November 6, 1709.

AN ACT for the makeing good the last will and testament of James Moore, Esq., deceased, and vesting of his Lands in Trustees, to be sold for the payment of his debts, and makeing provision for his unpreferred children, by preserving the personal estate. November 5, 1709.

AN ACT for making good the last will and testament of Alexander Curson, late of South Carolina, Surgeon, deceased, and vesting of part of his real estate in Trustees, to be sold for payment of his debts. April 8, 1710.

AN ACT to enable Roger Saunders, Administrator of the goods, chattles and personal estate of William Saunders, Esq., deceased, to sell a plantation or tract of Land on the South-west side of Ashley river, late belonging to the said William Saunders, for payment of his debts. March 1, 1711.

AN ACT to impower James Kinloch, and Susanna his wife, late Susanna Strode, Executrix, and Col. George Logan, and Capt. George Chicken, Executors, of the nuncupative will of John Strode, deceased, to sell and alien his lands, goods and chattels, for payment of his debts and legacies, according to the declaration of the said will. June 7, 1712.

AN ACT to enable the Executors of the last will and testament of Joseph Croskeys, late of this Province, mariner, deceased, to sell and alien a plantation, Town Lotts, and all other the real estate of the said Joseph Croskeys, in order to dispose of and make distribution of the moneys received for the sale of such real estate, to the benefit and advantage of such persons as the said real estate is given unto, by the last will and testament of the said Joseph Croskeys. June 7, 1712.

AN ACT for vesting of the right, title, and inheritance of part of a Town Lott, in Charlestown, number —, and the building thereupon, in William Livingston, clerk, and Mary his wife, for the payment of a bond, for the security of which the said premises were mortgaged, and are become forfeited. June 7, 1712.

AN ACT to enable Elizabeth Buritel, widow, Henry Noble, Peter De St. Julien and Ralph Izard, gent. to sell and dispose of sundry lands and tenements in the said Province, late belonging to Alexander Chastaigner, deceased, for the preferment of Catherine Elizabeth Chastaigner, a minor, only daughter and heir of the said Alexander, and for applying the money raised or to be raised from and by the sale thereof, to such uses as the lands themselves should have gone, had they not been sold. June 7, 1712.

AN ACT to enable Capt. Arthur Hall, Capt. John Whitmarsh, and Mr. Robert Seabrooke, and the survivor and survivors of them, Administrators of John Seabrooke, late of the Province of Carolina, planter, deceased, with his will annexed, to sell and alien the lands of the said John Seabrooke, for payment of his debts and legacies, according to severall trusts in the said will contained. June 7, 1712.

AN ACT to enable Sarah Norton, relict and executrix of John Norton, deceased, Col. John Fenwick and John Cowine, Sen., and the survivor, to sell and alien a certain plantation on Stonoe river, late belonging to the said John Norton, for the benefit of the said Sarah, and of the children of the said John Norton. December 12, 1712.

AN ACT to enable William Livingston, clerk, to sell part of a Town Lott, with the buildings thereon, and to confirm any deed or deeds he has already executed for the sale thereof, notwithstanding his wife Mary, lately deceased, hath not joyned with him, according to an Act of Assembly, in that case provided. December 12, 1712.

AN ACT for vesting a Mension House and lands thereunto adjoining, in Berkly county, the estate of Daniel Chastaigner, late of the said Province, deceased, in Trustees, to be forthwith sold, for the better maintenance and present provision of three small children of the said Daniel Chastaigner, to redeem the mortgage of the said premises, and payment of debts. December 12, 1712.

AN ACT to enable John Fulham, the only acting Executor of John Dourne, deceased, to sell five hundred acres of land, for payment of debts. December 12, 1712.

AN ACT to confirm and make good a certain agreement, made by Richard Harris, late of Granville county, cooper, deceased, with George Rivers, of Berkly county, planter, for the selling and conveying of one hundred acres of land, on James's Island, to the said George Rivers, and to enable Capt. Jonathan Drake and Mr. William Wilkins, or the survivor of them, to make a good and absolute estate of the said one hundred acres of land, unto the said George Rivers. December 12, 1712.

AN ACT to confirm and make good a certain agreement, made by Richard Wilson, late of this Province, deceased, with Thomas Hill, of the said Province, for the selling and conveying of two hundred acres of land, in Colleton county, to the said Thomas Hill, and to enable Capt. Jonathan Drake, and Mary Wilson, relict of the said Richard Wilson, or either of them, to make a good and absolute estate of the said two hundred acres of land unto the said Thomas Hill. December 12, 1712.

AN ACT to enable Margaret Lynch, widow, relict and administratrix of Capt. Johnson Lynch, deceased, and Mr. Thomas Lynch, and the survivor, to sell and alien one hundred acres of land, at Kainhaw, late belonging to said Johnson Lynch, for payment of his debts; and for selling another plantation of one thousand acres of land, on Cooper river, for the better maintenance of the said Margaret and the children of the said Johnson Lynch. December 12, 1712.

AN ACT to enable Trustees to sell and dispose of two several plantations in Granville and Colleton county, late belonging to George Knatchbull, of Colleton county, carpenter, deceased, for payment of his debts, and better provision for his children. December 18, 1713.

AN ACT to enable Robert Wishart, and Jane his wife, late the widow of Joseph Merry, late of this Province, gentleman, deceased, and Daniell Green, merchant, which said Jane and Daniel Green are executrix and executor of the last will and testament of the said Joseph Merry, to sell and aliene the real estate of the said Joseph Merry, in this Province, to pay his just debts. June 12, 1714.

AN ACT to entitle Thomas Chinnors, planter, to a tract of land of four hundred and fourteen acres, late belonging to John Midon, deceased, pursuant to a written agreement between the said John Midon and Thomas Chinnors, for the sale thereof. June 12, 1714.

AN ACT to empower John Guerard and Benjamin Godin, of Charlestowne, merchants, to grant and convey a tract of land in Berkley county, unto John Lucas, of Antigua, Esq., according to a trust in him, the said John Guerard and Lewis Pasquereau, merchant, deceased, reposed by the said John Lucas. June 12, 1714.

AN ACT declaring the real estate of Dominick Arthur, lately deceased, to belong to Christopher Arthur, his cousin, and heir, and for vesting the said real estate in the said Christopher and his heirs. June 12, 1714.

AN ACT to confirm the title of William Adams, a minor, to a tract of land of four hundred acres, in Colleton county, notwithstanding the purchase grant for the same is lost, and although one hundred and seventy acres thereof hath been since granted to William Wells, planter, deceased. June 12, 1714.

AN ACT to empower Ralph Izard, Esq., and Benjamin Godin, merchant, and the survivor of them, to sell and convey a plantation containing five hundred twenty-three acres of land, unto Col. Alexander Parris and Charles Hill, Esq., and the survivor, in trust to and for John Lucas, of the Island of Antegua, Esq., and further to empower and authorize the said Alexander Parris and Charles Hill, and the survivor, trustees, for the selling sundry negroes belonging to the said John Lucas, in this Province, for the payment of a debt due from the said John Lucas to the several estates of Lewis Pasquereau and John Guerard, partners, deceased. December 18, 1714.

AN ACT to vest the free-hold and the free-simple estate, late belonging to William Hyde, merchant, in this Province, in Trustees, to be sold for payment of his debts, and the better maintenance of his widow and child. February 18, 1715.

AN ACT to empower Charles Franchomme and Samuëll Pereaunneau, merchants, Elders of the French Church in Charlestown, or their successors, Elders of the said church for the time being, to sell and alien a certain tract of land, in Berkly county, devised to the poor of the said church by Mary DeLonguemare, alias Aunant, to and for the use, benefit and advantage of the poor aforesaid. February 18, 1715.

AN ACT to vest the estate in two tracts of land in this Province, sold by Hugh Fling, late of this Province, deceased, to Elizabeth Akin, widow, but no conveyance thereof by him executed before his death, in the said Elizabeth Akin and her heirs, forever. February 18, 1715.

AN ACT to make good and confirm the title of Henry Toomer, of Berkley county, planter, to a certain plantation or tract of four hundred and eleven acres of land, granted and conveyed by Arthur Laugharne, late of Charlestown, merchant, deceased, and Rebecca his wife, to the said Henry Toomer. June 30, 1716.

AN ACT to vest the free-hold and fee-simple estate, late belonging to John Greateon, of Granville county, in this Province, planter, in Trustees, to be sold for payment of his debts, and the better maintenance of his widow. June 30, 1716.

AN ACT to enable Mary Madelain Fouchard, sole dealer, to grant and convey certain lands and tenements in her own name, notwithstanding her coverture. June 30, 1716.

AN ACT for the further confirming the title of William Fuller, of Berkley county, in the Province of South Carolina, planter, to a certain plantation or tract of five hundred and ten acres of land, in Berkly county aforesaid, heretofore the estate of James Pierpoint, and late of Arthur Laugharne, late of Charlestowne, merchant, deceased, and to vest the fee-simple and inheritance of the said plantation or tract of five hundred and ten acres, in the said William Fuller and his heirs. December 15, 1716.

AN ACT to make good and confirm the title of Richard Godfrey, of Berkley county, planter, to a certain plantation or tract of two hundred acres of land, in the said county, late belonging to James Stangarne, of the same county, planter, deceased. June 9, 1717.

AN ACT to foreclose the equity of redemption of the heirs of John Wright, late of Charlestown, gent. deceased, of, in, and to a certain plantation or tract of eight hundred and ninety-six acres of land, situate at Goose creek, in Berkley county, and to vest the same in Samuell Wragg and Jacob Satur, of Charlestown, merchants, in fee-simple, towards satisfying them the sume of one thousand pounds and interest, secured to them by a mortgage made of the said premises by the said John Wright, for the terme of one thousand years. December 11, 1717.

AN ACT to vest the free-hold and fee-simple estate of one halfe part of a Town Lott in Charlestown, number one hundred and six, late belonging to Elias Clifford, of Charlestown, in this Province, in Anne Clifford, widow and administratrix of the said Elias Clifford, for the payment of his just debts. December 11, 1717.

AN ACT to enable Major Percival Pawley and Captain Jonathan Drake, executors of the last will and testament of Benjamin Lamboll, late of this Province, deceased, to sell the real estate of the said Benjamin Lamboll, in order to make a division of the same amongst his four children, pursuant to the intent and meaning of the will of the said testator. December 11, 1717.

AN ACT to impower William Scott and Ralph Baily, executors to John Kenneway, deceased, to grant and convey a plantation containing one thousand and twenty acres of land, lately belonging to the said John Kenneway, to William Maggott, his heirs and assigns, forever, in pursuance of an agreement made between the said John Kenneway in his lifetime, and the said William Maggott. February 20, 1718.

AN ACT for the vesting the fee-simple of certain tracts of land and houses, situate in Berkley county, in this Province, in Tobias Fitch, son of Jonathan Fitch, late of the county and Province aforesaid, deceased, which were given to him in and by the last will and testament of the said Jonathan Fitch, and for supplying the omissions and defects of the said will. February 12, 1719.

AN ACT for making the last will and testament of John Ashby, late of Berkley county, gentleman, deceased, good and authentic. February 20, 1719.

AN ACT for the relief of John Parker, of Berkley county, planter, and for making good and effective the last will and testament of Thomas Parker, deceased. September 19, 1721.

AN ACT to enable Amarenta Gibbes, widow, executrix of the last will and testament of Benjamin Gibbes, late of this Province, planter, deceased, to sell certain lands for the payment of his debts. February 23, 1722.

AN ACT for appointing certain persons, therein named, to make an equal partition and allotment of two several plantations or tracts of one hundred acres and one hundred and eighty acres of land, comonly called Wassamsaw, between William Adams, of Berkley county, planter, and Robert Edgehill, a minor, son and heir of Richard Edgehill, late of Berkley county, yeoman, deceased. February 15, 1723.

AN ACT for vesting the fee-simple of certain tracts of lands and plantations, respectively, in Tobias Fitch and Joseph Fitch, two of the sons of Jonathan Fitch, deceased, and Susannah Fitch, widow. February 15, 1723.

AN ACT for impowering certain persons, therein named, to make partition of the lands and tenements of Thomas Pinckney, late of Charles-towne, merchant, deceased, between the widow and children of the said Thomas Pinckney. February 15, 1723.

AN ACT for settling the estate of Richard Beresford, Esq. deceased, February 15, 1723.

## APPENDIX.

No. 6.

*Extract from the Report of the Committee on the Judiciary, agreed to by both Houses, December 21, 1836.*

"It is thought necessary, hereafter, to make it the duty of the Librarian of the Legislature to distribute the Statutes at Large, and the Acts of the Legislature, each year, in the following manner:

To the Secretary of State, for distribution by him in the manner he has heretofore distributed the Acts of the Legislature, viz :

For the Clerk of each Court of Law in the State, one copy of the Statutes and one of the Acts.

For each Commissioner and Master in Chancery, one copy of each work.

For each Ordinary, one copy of each.

For the Court of Appeals at Columbia, one copy of each.

For the Court of Appeals at Charleston, one copy of each.

For each Magistrate in the State, and for every member of the Legislature, one copy each, of the Acts of Assembly.

And the Librarian himself, every year, shall distribute the Acts and the Statutes at Large as follows :

To the Library of the Legislature, ten copies of each.

To the South Carolina College, two copies of each.

To the Charleston Library, two copies of each.

To the Governor of each State of the Union, for the use of the State, one copy of each.

To the Legislatures of each State, one copy of each.

To the Library of Congress, two copies of each.

To the Heads of Departments at Washington, for the use of their departments, one copy of each.

To the Historical Society of New York, one copy of each.

To the Athenæum, Philadelphia, one copy of each.

To the Library of Harvard University, Cambridge, one copy of each.

To the Yale College Library, one copy of each.

To the Libraries of the University of Virginia and Alabama, one copy of each.

To the College at Athens, Georgia, Princeton, and Chapel Hill, N. C., one copy of each.

To the Athenæum, Boston, one copy of each.

To the Committee of Public Records, London, care of C. P. Cooper, Esq., one copy of the Statutes at Large.

To the London Museum, one copy of the Statutes at Large.

To the King's Library, in Paris, one copy of the Statutes at Large.

To the University Library at Heidelberg, one copy of the Statutes at Large.

To the Royal Library at Berlin, one copy of the Statutes at Large.

To the University Library at Gottingen, one copy of the Statutes at Large."

#### NOTICE.

The Editor finds that the two English Statutes, the 9th Ann, ch. 20, sec. 7 (Grimke P. L. 94) and 21 Jac. ch. 15 (Grimke P. L. 75) stated in the Preface to the 5th volume, to have been omitted in the 2d volume, are to be found in that volume, at pages 432, 445. The supposition that they had been omitted was occasioned by a change of the order in which they had been heretofore published.



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## ABDUCTION,

1. Whoever shall hereafter be convicted of the forcible or fraudulent abduction, or assisting in the forcible or fraudulent abduction, of any free person of color living within this State, with intent to deprive him or her of his or her liberty, shall be fined not less than \$1000, and be imprisoned for not less than twelve months.....574
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2. The Arsenal Keepers shall pay over to the Treasurer within whose division he may reside, all such monies as shall come into his hands from the sale of public property, made by him by virtue of this Act, forthwith; and shall make to such Treasurer a regular report of said sales, on or before the first of September, in each year.....392
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- accoutrements and other munitions of war; and none of the above articles shall be issued, except under the order of the Commander-in-chief, and only in cases of great public exigency.....488
5. In order to supply the Arsenals with the quantity and description of the articles above mentioned, the sum of fifty thousand dollars is appropriated, to be applied, under the order of the Governor, to the purchase of the same, at such times and in such proportions as he may think proper; provided, that unless in his opinion it shall become necessary for the safety of the State, not more than ten thousand dollars shall be expended annually. And the Governor is authorized and required to make the necessary regulations to insure the safe keeping of the said articles, so as to have them at all times fit for service; and that for this purpose, he cause the necessary repairs to be made, and such articles as are incapable of repair, to be sold.....488
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7. The sum of \$2,000 appropriated to enable the Governor to make such arrangements for the security and protection of the Arsenal and Magazine in Columbia, as he may deem necessary.....489
9. In order to provide for a distribution of arms, to such portions of the Militia as may be authorized to receive them, under the provisions of this Act, the sum of \$2,500, in addition to the arms which may be received from the United States, is annually appropriated and set apart, the former to be expended by the Governor in the purchase of arms and military equipments, of such descriptions, and in such proportions, as he may think proper, and both to be disposed of, from time to time, as follows, to wit: as soon as a sufficient stock of sabres, pistols and holsters shall be procured, each company of Cavalry shall be furnished with the same, on such terms and conditions, and in such quantity, as the Governor may prescribe. In like manner, each uniform company of Riflemen and Light Infantry shall be furnished with appropriate arms; provided, the proportion of Cavalry, Riflemen and Light Infantry, shall not be greater than may be allowed by law.....489

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- tions of war; and none of the above articles shall be issued, except under the order of the Commander-in-chief, and only in cases of great public exigency....488
4. In order to supply the Arsenals with the quantity and description of the articles above mentioned, the sum of \$50,000 is appropriated, to be applied, under the order of the Governor, to the purchase of the same, at such times, and in such proportions, as he may think proper; provided, that unless in his opinion it shall become necessary for the safety of the State, not more than \$10,000 shall be expended annually. And the Governor is authorized and required to make the necessary regulations to insure the safe keeping of the said articles, so as to have them at all times fit for service; and that for this purpose, he cause the necessary repairs to be made, and such articles as are incapable of repairs, to be sold.....488
5. The Governor authorized to cause an Arsenal to be fitted up in the upper part of the old gaol, at Columbia, on a scale sufficiently extensive to receive a due proportion of said arms, and cause a Magazine to be built in or near the said town, for which purposes the sum of \$3,000 is appropriated; and as soon as the said Arsenal and Magazine shall be completed, all the arms and munitions of war in the possession of the State, shall be divided, in such proportions as the Governor shall direct, between the arsenals and magazines in Columbia and those in Charleston; and all the other arsenals and magazines in the State shall be discontinued.....48
6. An arsenal-keeper and powder-receiver of the Columbia Arsenal to be appointed, who shall give bond and security in the penal sum of \$10,000, for the faithful performance of his duty, and who shall receive as a compensation for his services the sum of \$400.....488
7. In consideration of the great extent and importance of the duties which will devolve on the arsenal-keeper in Charleston, under the arrangement contemplated, the sum of \$700 shall be appropriated for his salary, and that said arsenal-keeper shall give bond and security in the penal sum of \$10,000, for the faithful performance of his duty.....489
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2. It shall be the duty of the assignee or assignees, within ten days after the execution of the deed of assignment, to call the creditors together, to proceed to the appointment of their agent or agents; and all sales and transfers of property made by the assignee or assignees, prior to the appointment of the agent or agents of the creditors, are hereby declared void and of no effect.....366
3. In case the assignee or assignees delay, neglect or refuse to assemble the creditors within the time herein prescribed and limited, it shall be lawful for the creditors to meet and appoint their agent or agents; and the said agent or agents, on application to, and by order of, any of the Judges of the Courts of Law or Equity, shall take into his hands and possession all the property assigned, and of which the assignee would, by law, be entitled to the possession, and shall sell and dispose of the same, agreeably to the deed of assignment....366
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5. All sales, hypothecations or other transfers of property, real or personal, shall be null and void, unless made with the consent and concurrence of the assignee or assignees, and agent or agents, or a majority of them.....366
  6. Should the assignee or assignees and the agent or agents be equally divided on any question, the same shall be decided by an umpire, appointed as is hereafter provided.....366
  7. Should the creditors as aforesaid; refuse or neglect to appoint an agent or agents, in ten days after they have been called together by the assignee or assignees, the assignee or assignees may forthwith proceed to sell or otherwise dispose of the assigned effects, without the concurrence of the said creditors...366
  8. The proceeds arising from the sales of the property assigned, shall be deposited for safe-keeping in the Bank of the State of South Carolina, or any of its branches, in the joint names of the assignee or assignees, and agent or agents, and subject to their joint drafts.....366
  9. In case of any disagreement between the assignee or assignees, and agent or agents, any of the Judges of the Court of Law or Equity, at Chambers, shall, on application of either of the parties, decide, and if deemed necessary, name and appoint an umpire to act jointly with the assignee or assignees and agent or agents,366
  10. It shall be the duty of the assignee or assignees, agent or agents, to lay, every three months, before the creditors, or such committee as they may appoint, an exact statement of their proceedings: the creditors or their committee may, however, call the assignee or assignees and agent or agents, oftener to account; they may also direct and prescribe the time and mode of selling, and the terms of sale, order a distribution of the assets on hand, and a final close of the concern; and in case of need, may revoke and dismiss their agent or agents, and name and appoint another in his stead; and the assignee or assignees, and agent or agents, failing or neglecting to lay the statement of their proceedings before the creditors or their committee, as herein directed, or whenever called on, or to obey or abide by their directions, shall be answerable for all damages resulting from their refusal or neglect, and forfeit the commission they might otherwise be entitled to.....366
  11. The commission due and owing to the assignee or assignees, and agent or agents, for their trouble and labor, shall be 5 per cent on receiving, and two and a half on paying, to be equally divided between them, that is to say, one-half to the assignee or assignees, and the other half to the agent or agents.....367

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2. The goods and chattels levied on under such attachment, may be replevied, and proceedings had against garnishees, as in other cases of attachment where magistrates have jurisdiction by law.....432
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5. All and every authority given by the Act for the establishment of County Courts, to the County Courts, and to any Justice, Sheriff or Constable, concerning the issuing, serving, returning attachments, or disposing of the property of persons who are absconding or removing privately out of a County, shall be, and the same is, given to the District Courts, and other officers, as in the above mentioned Act specified. ....629

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1. To sue for and recover the penalties of Commissioners of the Poor, &c., and Clerks of the Court, who do not make their annual returns to the Comptroller, on or before the first September, except the Commissioners of St. Phillips and St. Michael, who shall account to the City Council of Charleston. ....9, 10
2. On the 1st October, every year, to furnish the Comptroller with a statement of all debts due to the State, in his possession, shewing the names of the debtors, the amount of debts, the interest, the payments made, and the balance due to the State. ....108
3. On failure to do so, to forfeit \$200, to be recovered by action, in any Court of competent jurisdiction. ....108
4. To hold his office for four years, and until his successor is elected, commissioned and enters upon his duties. ....120
5. In making his annual return to the Comptroller General, to send him also a duplicate. ....139
6. On or before the 1st of January and August, every year, to make to the President and Directors of the Bank of the State, or to the President and Directors of its branches, a full and particular return of the business placed in his hands by any of the officers of the said Bank or Branches. ....196, 224
7. Penalty for neglect, \$500, to be withheld by the Comptroller from his salary until the return be made. ....196, 224
8. On or before the 1st October, every year, to make return to the Comptroller of all fines and forfeitures within his circuit, for the preceding year, a copy of which return the Comptroller shall furnish to the Treasurer of the upper or lower division, who shall open on his books an account with the Attorney General, in which he shall charge him with all fines and forfeitures so reported. ....220
9. The Attorney General shall, within his Circuit, collect all fines and forfeitures, and pay them over by the 1st December, every year, and return such as have been returned *aulla bona*, or remitted by the Governor; and he shall be credited by the Treasurer with all cases thus returned. ....226
10. It shall be the duty of the Attorney General and Circuit Solicitors, and they are authorized and required, to examine, annually, and at such times as they may deem expedient, into the condition of the offices of the Clerks of the Court, Sheriff, Ordinary, Master and Commissioner in Equity, or Register in Equity or Meane Conveyances, of the several Districts in their respective Circuits, and to ascertain if the said several officers, respectively, shall have discharged all the duties, and performed all the services, which now are, or shall hereafter be, required of them, respectively, by law; and to make a report of the condition of said offices, and the manner in which the said several officers, respectively, shall have discharged their duties, to the Courts of Law of the several Districts, respectively, at the fall term in each year, and also to the Legislature, at each annual session. ....577

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2. If any note or bill, whether filled up before or after having been signed or indorsed, shall be passed away after the death of such drawer or indorser, by an agent duly constituted in his or her life-time, the same shall be valid and binding on his or her estate, in like manner as though he or she had not died before such passing away; *provided*, the note was so received *bona fide*, without a knowledge of such death, and that the act of the agent would have been binding on the principal if it had been done before such death. ....360
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## ATTORNEYS AND SOLICITORS,

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5. Sheriff to give plaintiff ten days notice that Auctioneer or Vendue Master is committed at his suit, and may discharge him if plaintiff does not give security to the Sheriff to support him while in gaol. ....4
6. The Act depriving Auctioneers or Vendue Masters of the benefit of the insolvent debtors' or prison bounds Act, repealed. ....208
7. Any citizen of this State shall be at liberty to sell, at auction, either his own, or the property of any other; *provided*, he secures to the State or city, as the case may be, the duties which are or may be imposed by law on sales at auction. ....209
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CATAWBA INDIANS, (continued.)

the said Catawba Indians, having regard to their respective ages, conditions and necessities. He shall keep a book, in which shall be entered a full and accurate account of all his receipts and disbursements, the amount and description of his purchases, and the manner of distribution, and shall file in the offices of the Clerks of Common Pleas of York and Lancaster districts, quarterly returns thereof, and make to the Governor an annual return of his proceedings and transactions; and as a compensation to said Agent, he shall be entitled to receive the sum of ten per cent upon all monies drawn and expended by him, as is before provided.....603

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88. The Brigadier General of the fourth brigade, or, in his absence from the parishes of St. Philip and St. Michael, the senior officer of the militia of said parishes, in order to prevent the confusion which may arise from too many men being under arms when fires shall break out in the city of Charleston, be, and he is hereby, authorized to fix the number of men necessary to be under arms in such cases, and to make regulations by which a certain portion only of the militia of Charleston shall be required, for the period of three months, to hold themselves in readiness to parade in cases of alarm from fire; and the said portion of militia shall be commanded by a field officer, detailed according to the roster of officers of the said parishes of St. Philip and St. Michael, except the officers in command of regiments; and if any officer, non-commissioned officer, or private, so ordered, shall fail to attend at his muster ground in cases of alarm

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3. Upon taking the proper oaths, to be ex-officio Justices of Peace and Quorum, except in the trial of small and mean causes and as Commissioners of Special Bail. .... 141
4. Of Charleston, to give bond in \$30,000 to perform the duties of his office, to be previously approved of by the Attorney General, the Comptroller and Secretary of State, and recorded in the treasury office of Charleston. .... 148
5. Either party to any suit in Equity, shall have the right, upon giving the adverse party, his solicitor or agent, ten days notice thereof, to examine any witnesses or witnesses before the Master or Commissioner in Equity of the District in which such cause is to be tried; and it shall be the duty of the Master or Commissioner, upon the application of the party, his, her or their solicitor or agent, desiring such examination, to issue a writ of subpoena for such witnesses, and upon their coming before him, to commit to writing the testimony they give upon oath, each party having all the rights of cross examination and exception to the admissibility of testimony, now allowed by law; and it shall be the duty of the Master or Commissioner to certify such examination and testimony to the Court, to be read in evidence on the trial of the cause; and for this service the said Master or Commissioner shall be paid by the copy sheet. .... 411

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6. On the application of a party in a cause to have his, her or their witness examined, the Master or Commissioner shall appoint a day for that purpose, and shall cause the adverse party to be notified; and if on the day appointed the adverse party shall not attend, or attending shall not shew sufficient cause for the postponement of the examination, the Master or Commissioner shall proceed to examine all witnesses produced, and shall continue the examination from day to day, until all the witnesses be examined; and if any witness, duly subpoenaed to attend before the Master or Commissioner, shall fail to do so, the Master or Commissioner shall have power to issue a rule, requiring such witness to shew cause why an attachment should not issue against him; and upon failing to shew sufficient cause, the Master or Commissioner shall have power to grant attachments for contempts.....411
7. If any party shall shew cause satisfactory to the Court for requiring the examination of the witness or witnesses of the adverse party in open Court, on the trial of the cause before the Chancellor, he, she or they shall be entitled to the usual process of the Court, to procure the personal attendance of such witnesses, and shall not be compelled to go to trial, until such attendance be procured, if practicable.....413
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COMMISSIONER OF COLUMBIA,

1. On the first day of October, every year, to furnish the Comptroller with a statement of all debts due to the State, in his possession, shewing the names of the debtors, the amount of debts, the interest, the payments made, and the balance due the State.....108
2. On failure to do so, to forfeit \$200, recoverable by action in any court of competent jurisdiction.....108

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## COMMISSIONERS OF COURT HOUSES AND GAOLS,

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2. If any person so appointed refuses to act, or neglects to perform the duty, he shall forfeit not exceeding \$50, to be recovered by indictment; and the money so forfeited shall be paid to the acting commissioners for such district, to be applied to the repairing the court house and gaol of such district.....321
3. Each board to serve 4 years, and until the appointment of a new board be made, and shall have power to fill all vacancies in their number, occasioned by death, resignation, removal from the district, or refusal to serve; and the person so elected to have all the powers and be subject to all the penalties provided for in the first clause of the Act.....321
4. But no person elected or appointed shall be compelled to serve more than 4 years in succession.....321
5. To meet and form a Board at such time and place as a majority shall appoint, and shall appoint a Chairman and all necessary officers.....321
6. A majority shall have power, as often as they think necessary, to assess, levy and collect, as commissioners of the poor are allowed to do, and to the same extent, all such sums of money as may be necessary for repairing the court houses and gaols of their respective circuit court districts.....321
7. Each Board to report annually to the Comptroller, the sums so assessed and levied by them.....321
8. All fines and forfeitures incurred and imposed in any court of session for any circuit court district, shall be paid to the commissioners of public buildings for such district, to be applied in aid of their assessments, for the purposes aforesaid.....321
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10. Nothing in this Act to affect any appropriation for public buildings, made at this or any previous session of the Legislature.....321
11. If any person shall wilfully injure any part of any court house or gaol in this State, or the enclosures, or any part thereof, he shall be liable to be indicted, and upon conviction, be fined or imprisoned, at the discretion of the court.....321
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## COMMISSIONERS OF DEAF AND DUMB,

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COMMISSIONERS OF FREE SCHOOLS, See *Free Schools*.

1. Any person hereafter appointed by the Legislature or the Board, a Commissioner of Free Schools, who refuses to serve, shall be fined the sum of \$20, to be recovered, for the use of the Free Schools of the district or parish, before any justice of the peace; provided, however, that no person shall be compelled to serve more than three years in six.....529

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2. Any Commissioner of Free Schools who, being notified thereof, shall neglect, without a sufficient excuse, to be allowed by the Board, to attend a regular or special meeting of the Board, shall be fined the sum of \$5, which shall be recovered and applied in the manner expressed in the first section. .... 529
3. On or before the first day of March next, the Commissioners of Free Schools, in their respective districts and parishes, shall divide the district or parish into as many school divisions as in their discretion they may deem best; provided, that the number of school divisions shall not be less than the number of schools, if there be as many schools as Commissioners in the district or parish. .... 529
4. One Commissioner shall be appointed by the Board to superintend each of said school divisions, who shall be liable to the penalties, hereinafter imposed for neglect of duty, in respect of the schools under his charge. .... 530
5. The Board of Commissioners in any district or parish, shall not employ a teacher until he shall have been first examined by the Board, and found qualified for that duty. .... 530
6. Each Board of Commissioners shall nominate and appoint three Trustees to each school in their respective districts and parishes, whose duty it shall be, with the commissioner of the school division, to supervise the school submitted to their care, and recommend applicants for admission. .... 530
7. The Commissioner of each school division, for neglect or abuse of the powers and duties entrusted to him by law, shall be liable to indictment, and, on conviction, shall be fined an amount not less than \$20, nor more than \$50: And for neglect of the powers and duties entrusted by law to the board of commissioners, they shall be liable to indictment; and, on conviction of one or more of said commissioners, he or they shall be severally fined a sum not less than \$20, nor more than \$50. .... 530

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3. How such elections shall be advertised, and the time, place and managers for holding them. .... 12
4. Managers to meet, count over the votes and declare the election of the person having the greatest number of votes, and certify the same to the Governor, (unless the election is contested, as hereafter directed,) who shall commission such person, upon his complying with the requisites of the law. .... 12
5. How to proceed in cases of contested elections. .... 12
6. All laws regulating the election of members of the Legislature, shall apply in these elections. .... 13
7. Commissioners of Location hereafter elected shall enter on the duties of their office on the 2d Monday in February next ensuing their election. .... 13
8. No Commissioner thus elected shall be commissioned until he has given bond and security, as by law he is now bound to do. .... 13
9. His commission to be for the term of four years, to be computed from the 2d Monday in February in the year in which he shall be so elected. .... 13
10. To hold his office for four years, and until a successor is elected, commissioned and enters upon the duties of his office. .... 129
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COMMISSIONERS OF THE POOR, See Lunatic Asylum.

1. At their next general meeting, to elect some one their treasurer, who shall enter into bond and sureties, and the bond deposited in the treasury of their division. .... 109
2. Their treasurers to return to the Clerk of the Court of their district, an account of all monies due the Commissioners to whom they are treasurers, and of the receipts and expenditures, as the commissioners themselves are now by law required to do; and for neglecting, shall be liable to the same penalties. .... 109
3. Compensation to treasurer—two and a half per cent on all sums received, and the same on all sums paid away. .... 109
4. In making their annual returns to the Comptroller, to send duplicates. .... 139

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5. For Pendleton, empowered, out of the monies collected for the poor tax of that district, to purchase land, not exceeding 400 acres, and to build thereon huts and houses for the poor of the district.....159
6. To appoint an Overseer of the said poor—to prescribe his duties and compensation.....159
7. The Commissioners for Pendleton also to have the power to purchase provisions and clothing for their poor.....159
8. Shall have power to impose on such of the poor as are relieved by the poor tax of the district, such reasonable labour as they may judge proper and necessary to be performed, towards their support.....160
9. Commissioners to make an annual return, on oath, to the Comptroller, to be by him submitted to the Legislature, of the amount of monies received, and manner of its expenditure, together with the number and names of the persons relieved and supported.....160
10. To make an annual appropriation to such of the poor as the Commissioners may board out with their relations or friends.....160
11. The commissioners of the poor for Kershaw, Lancaster and Georgetown, are authorized to build a poor house or houses, for the poor of their several districts, and to support them therein; and to make such other and further provision for their comfortable and economical support and maintenance, as they, in their discretion, shall see fit.....160
12. To sue tax collector for 5 per cent per month, who does not pay over the poor tax in 5 days after the first Monday in July, if called upon for it by the proper person, and allowed treble costs.....198
13. Authorized with the poor tax to buy lands, and to build houses for the accommodation of the poor.....241
14. But the tax any one year not to be more than 37½ cents per cent on the general tax.....241
15. Commissioners of such district to appoint a superintendant or superintendants of the poor, to continue in office at their pleasure, who shall prescribe to him his duties and salary.....241
16. They may buy provisions and clothing, and may impose upon such of the poor as are relieved by them, such reasonable labour as they may judge proper and necessary towards their own support.....241
17. May, according to circumstances and their sound discretion, board out certain poor with their relations and friends, and appropriate money to pay the same.....241
18. To make an annual return, on oath, to the Comptroller, to be by him submitted to the Legislature, of the amount of monies received, and of the amount and manner of its expenditure, with the number and names of the persons thus relieved and supported.....242
19. Commissioners to have the full power to adopt all necessary rules and regulations to carry these provisions into complete effect.....242
20. No execution shall be issued by the commissioners of the poor for poor tax, without first giving notice to all those who may be liable to pay the same, who make their returns in any other district than that in which the tax may be assessed.....282
21. Echeated property in Abbeville vested in the commissioners of the poor for Abbeville.....247
22. The Boards of Commissioners of the Poor vested with all the powers and authority within their parishes and districts, which have heretofore been legally exercised by the vestries and church-wardens, and overseers of the poor, so far as the same relates to the government and removal of the poor in and from their respective parishes and districts.....284
23. In case of default in any tax collector to pay over the poor taxes collected by him, on or before the 1st July, every year, the commissioners of the poor may issue an execution against him for the amount due by him, with interest, at 5 per cent per month, from the time he should have paid the same.....376
24. On Charleston Neck, authorized to purchase a lot and erect a poor house.....391
25. The commissioners of the poor shall have power to bind out to service illegitimate children, and children of paupers, in all cases where such children are likely

COMMISSIONERS OF THE POOR, (continued)

- to become chargeable to the district, or are liable to be demoralized by the vicious conduct and evil example of their mothers, or other persons having the charge of them; and it shall be the duty of the commissioners of the poor in each and every district of this State, upon information made to them that any illegitimate child, above the age of five years, is likely to become chargeable to the district, or from the vicious conduct and evil example of the mother of the said child; or other person having it in charge, is likely to become demoralized and brought up in vice and idleness, to cause such child to be bound to service, in charge of some person of good character, a female child, until she attains the age of sixteen years, and a male child, until he attains the age of seventeen.....410
26. The monies remaining due on any recognizance, given under the Act of seventeen hundred and ninety-five, for the maintenance of any illegitimate child, at the time such child shall be bound to service, shall be paid into the hands of the commissioners of the poor, for the benefit of such illegitimate child so bound to service by virtue of this Act.....411
27. Whenever the amount which any person shall receive sentence to pay, on a conviction of bastardy, cannot be raised by binding him out to service, as now provided by law, a *feri facias* shall issue against his property, and on the same being returned *nulla bona*, a *ca. sa.* shall issue against him, as in ordinary convictions in the Court of Sessions.....411
29. The aforesaid Act (at page 410,) so amended, that a female child shall be bound to service, according to the provisions of said Act, until she attains the age of eighteen years, or marries, and a male child until he attains the age of twenty-one years.....432
29. Upon information, as provided, it shall be lawful for any one of the commissioners of the poor to issue his warrant, directed to any sheriff or constable, commanding him to bring any such child before the Board at the first meeting thereafter; and the said officers are required to execute such warrant, and shall receive therefor the same compensation as for arrests, to be defrayed by the Board of Commissioners aforesaid.....433
30. The commissioners of the poor, in each and every district, and all persons and bodies corporate, having charge of pauper idiots, lunatics and epileptics, resident in the several districts and parishes, required to send them to the Lunatic Asylum, and to support there such idiot, lunatic or epileptic, at the expense of the city, town, parish or district, chargeable with the support of such paupers; and for the support of each pauper lunatic, idiot, or epileptic, now in the Asylum, or hereafter to be sent, there shall be paid to the Regents of the Asylum the sum of \$100 per annum, in lieu of the sum heretofore payable.....437
31. Transient pauper lunatics, idiots or epileptics, sent to the Asylum by virtue of the existing laws, shall be supported at the public expense; and the Regents authorized to draw from the treasury, for the support of every such transient pauper lunatic, idiot or epileptic, at the rate of \$100 per annum, until the Regents shall have ascertained his or her permanent domicile, when the district to which he or she may belong shall be charged with such support: provided nevertheless, that the commissioners of the poor of the district so adjudged by the Regents to be chargeable, be authorized to appeal from such decision to the next court of sessions to be held for the said district, by which court the liability of the district for the support of such pauper shall be tried; and the Solicitor of the circuit is required, upon such appeal, to defend the interests of the State; provided, that the treasury in no instance shall be liable to pay for the maintenance of paupers, other than such as are citizens of the State.....437

COMMISSIONERS OF PUBLIC BUILDINGS, See *Commissioners of Court Houses, &c.*

1. Money appropriated for public buildings, to be drawn by the district commissioners, or a majority of them.....233
2. Commissioners throughout the State, where there is any building to be erected, shall advertise in one of the papers, for sealed proposals, at least six weeks before the day of letting the building, and must take the lowest proposal that can give good and sufficient security, according to their contract.....254

## COMMISSIONERS OF PUBLIC BUILDINGS, (continued)

3. Neither they nor the Superintendent, nor any other commissioners or agents of the State, shall enter into, or make any contract for the performance of any work or service, authorized by the Legislature, to bind the State for a greater sum than that appropriated for the specific purpose; and if made, shall be null and void as to the State, but the commissioner shall be answerable to the party.....258, 259
4. No appropriation to be drawn from the treasury until the contract entered into by the commissioners shall have been lodged in the treasury office at which it is payable.....259
5. The commissioners shall not draw, unless the contract is intended to carry into complete execution all the objects of the appropriation, which objects shall be embraced by the terms of the contract.....259
6. Of Charleston, authorized to rent such rooms in the fire proof building as are not wanted for public purposes, on certain conditions.....379
7. For Kershaw, authorized to sell the old court house, reserving the foundation stones, &c. for the new.....282

## COMMISSIONERS OF ROADS,

1. At their next general meeting, to elect some one their treasurer, who shall enter into bond and sureties, and the bond to be deposited in the treasury.....109
2. The Treasurers to return to the Clerks of the Court of their district, an account of all monies due the commissioners to whom they are treasurers, and of their receipts and expenditures, as the commissioners are now by law required to do; and for neglect, shall be liable to the same penalties.....109
3. Compensation—two and a half per cent on all monies received, and the same on all paid out.....109
4. In making their annual returns to the Comptroller, to send duplicates.....139
5. To sue tax collector for 5 per cent per month, who does not pay over the road tax in 5 days after the first Monday in July, if applied to for it by the proper persons, and allowed treble costs.....198
6. Superintendent of public works, toll collectors and toll keepers on canals, exempted from working on roads.....381
7. Copy of the Road Laws to be furnished each Board of Commissioners in the State.....426
8. It shall not be lawful for any corporate body, or the commissioners of the roads, in their respective limits, to grant any license to retail spirituous liquors, unless the applicant for such license shall first enter into recognizance with two substantial freeholders, who are residents of the district, as sureties, in the penalty of one thousand dollars, and conditioned for the observance of all laws in force in regard to retailing spirituous liquors; and the recognizance so given shall be liable to be estreated for all fines imposed by the Court, for any violation of said laws, of which the party shall be convicted by indictment.....528
9. On Charleston Neck, to regulate the assize of bread, and weights and measures, so far as is consistent with the laws of Congress.....95
10. May assess 25 per cent on the general tax, to keep in repair roads and streets, and for such purposes as the majority may deem necessary to promote the health, safety and good government of the inhabitants.....95
11. Authorized to light Lamps on such parts of King street as lies within their jurisdiction.....391

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## COMMISSIONERS TO TAKE THE ACKNOWLEDGMENT OF DEEDS,

1. The Governor of this State is authorized to name, appoint and commission a Commissioner or Commissioners, in each or such of the other States of the United States, or Territories thereof, or in the District of Columbia, as he may deem expedient, who shall continue in office during the pleasure of the Governor, any one of whom shall have authority to take the acknowledgement or proof of any deed, mortgage, or other conveyance of any lands, tenements, or hereditaments, lying or being in this State, or of any contract, letter of attorney, or any other writing under seal, to be used and recorded in this State; and such

**COMR'S. TO TAKE THE ACKNOWLEDGEMENT OF DEEDS, (continued.)**

- acknowledgement or proof, taken or made in the manner directed by the laws of this State, and certified by any one of the said Commissioners, before whom the same shall be taken or made, under his seal, (which certificate shall be indorsed on or annexed to the deed or instrument aforesaid,) shall have the same force and effect, and be as good and available in law, for all purposes, as if the same had been made or taken before a Judge of this State.....504
2. Every Commissioner, appointed under the authority of this Act, shall have full power to administer an oath or affirmation to any person who shall be willing or desirous to make such oath or affirmation before him; and such oath or affirmation, made before such Commissioner, is declared to be as good and effectual, to all intents and purposes, as if taken by any Magistrate resident in this State, and competent to take or administer the same.....505
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in this State," passed on the nineteenth day of December, in the year 1837, authorizing and requiring the commissioners of public buildings to keep in repair and superintend the Court Houses and Gaols of their respective districts, so amended as to authorize and require the said commissioners, in their respective districts, also to superintend and keep in repair the interior of the several offices of the aforesaid district officers; and to cause to be constructed and placed therein, and kept in repair, suitable fixtures or cases, for the reception and preservation of the records, books and other papers appertaining and belonging to said offices respectively; and to cause to be erected and kept in repair, such out buildings and fences on the gaol and court house lots, as they may respectively deem necessary for the use and convenience of the sheriffs or gaolers residing in said gaols, respectively, or for the protection of said gaols and court houses; and to cause to be made out and completed, such records and books in the several offices named in the first section of this Act, in their respective districts, as may be directed and ordered by the said Court of Common Pleas and General Sessions, whose duty it shall be, from time to time, to give such directions and make such orders as may be necessary, for the completion of the records and books in said offices respectively.....578

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3. Government the same as Aiken, but Intendant and Wardens to be elected on the 1st January, and who voters.....535

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1. The sum of \$2,500, annually appropriated to defray the expenses of educating so many deaf and dumb persons, between the ages of twelve and twenty-five years, born of free white parents, citizens of this State, as shall apply to receive the benefit of this provision, and as shall be judged by the commissioners hereafter appointed, not able to meet out of their own means all the expenses of their support and education.....513
2. The Governor for the time being shall appoint two persons, one from the upper, and the other from the lower division of this State, to remain in office until the expiration of his term of office, who, together with himself, shall constitute a board of commissioners, to be called the commissioners of the deaf and dumb, of which board he shall be president.....513
3. The commissioners for the deaf and dumb shall have power to draw the annual appropriation before mentioned, as it may be needed for the purposes of their trust; and shall, under arrangements to be made with "the Directors of

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- the American Asylum at Hartford, Connecticut, for the education and instruction of the deaf and dumb," send to the said Asylum for education, so many of the persons before described as can be supported by the annual appropriation before mentioned, and as they shall deem proper objects of public bounty. . . . .514
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5. The whole or part of the expenses of the several applicants, shall be paid according to the opinion which the commissioners may form, as to the pecuniary condition of the applicants: and in case of more applications than would exhaust the annual appropriation, the commissioners shall make selection according to their opinion of the deserts of the various applicants. . . . .514
6. The commissioners shall annually report to the Legislature an exact statement of their various proceedings during the past year, shewing precisely how they disbursed the money expended, the names of the persons who have received the bounty, the ages and places of residence of such persons, and information as to their progress; which statement shall be accompanied by the vouchers of all sums expended. . . . .514

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2. Nothing in this Act contained shall be construed to restrict or in any wise impair any right which a defendant may now have under such plea, according to the laws and usages of this State. . . . .439

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1. Clerk of the Court of Common Pleas, to grant all writs of *dedimus potestatem*, for taking renunciations of dower and releases of inheritance, from *femes covert*, or for the purpose of proving the execution of all deeds of conveyance, where such *femes covert*, or persons so conveying, reside without the limits of this State, directed to commissioners, as heretofore prescribed. . . . .319

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1. The Governor of this State is authorized to name, appoint, and commission a commissioner or commissioners, in each or such of the other States of the United States, or territories thereof, or in the District of Columbia, as he may deem expedient, who shall continue in office during the pleasure of the Governor, any one of whom shall have authority to take the acknowledgement or proof of any deed, mortgage, or other conveyance of any lands, tenements, or hereditaments, lying or being in this State; or of any contract, letter of attorney or any other writing under seal, to be used and recorded in this State; and such acknowledgement or proof, taken or made in the manner directed by the laws of this State, and certified by any one of the said commissioners, before whom the same shall be taken or made, under his seal, (which certificate shall be indorsed on, or annexed to the deed or instrument aforesaid,) shall have the same force and effect, and be as good and available in law, for all purposes, as if the same had been made or taken before a Judge of this State. . . . .504
2. Every commissioner appointed under the authority of this Act, shall have

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- full power to administer an oath or affirmation, to any person who shall be willing or desirous to make such oath or affirmation before him; and such oath or affirmation, made before such commissioner, is declared to be as good and effectual, to all intents and purposes, as if taken by any magistrate resident in this State, and competent to take or administer the same.....505
3. Every commissioner, appointed as aforesaid, before he shall proceed to perform any duty under and by virtue of this Act, shall take and subscribe an oath or affirmation, before a justice of the peace, in the city or county in which such commissioner shall reside, well and faithfully to execute and perform all the duties of such commissioner or assistant commissioner, as the case may be, under and by the laws of South Carolina; which oath or affirmation, and the written appointment of such assistant commissioner, shall be filed in the office of the Secretary of this State, who shall give notice of such appointment in one or more of the Gazettes of this State.....505
4. The person so appointed commissioner, as aforesaid, shall have power and authority to take and certify renunciations of dower and inheritance, on the same terms and conditions as judges or justices of the quorum are now authorized to do by the laws of this State; and such renunciations, so taken and certified as aforesaid, shall as effectually convey such estates of dower and inheritance, as if the same had been rendered in this State.....505

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2. The board of trustees hereby appointed to continue to serve for the term of four years from the first Monday in April next: a new board shall be appointed by joint resolution of both branches of the Legislature, at the session of the Legislature in 1833, and so, after the expiration of every four years succeeding, to continue for four years from the first Monday in April next after the appointment.....396
3. In case of refusal to accept, death, resignation, removal from the district, or removal from the trust, of any of the trustees hereby appointed, or of any of their successors, it shall be the duty of the delegation from Abbeville, for the time being, or a majority of the said delegation, to appoint a suitable person, a citizen of Abbeville district, to fill the vacancy till another appointment be made; and at the next session of the Legislature another appointment, by joint resolution, shall be made, to continue until a new board shall be appointed, as heretofore provided.....396
4. The board of trustees hereby appointed, and their successors, are, after the first Monday in April next, hereby incorporated as a body corporate and politic, in deed and in law, by the name of "The Trustees of the Estate of Dr. John De La Howe," and may sue and be sued, implead and be impleaded, and make rules and regulations for their government, not repugnant to the laws of the land, such as a majority of them shall approve; *Provided*, that such corporation may, at any time, be dissolved or controlled by the Legislature; and that annual payment of interest on all monies due, or to become due, to the said board, shall be required to be punctually made; and that no member of the board, during his continuance in office, shall be directly or indirectly a borrower of any part of the funds of the said Estate, or security for any person.....397
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1. If any clerk of the court of common pleas and general session, or Sheriff, or Ordinary, or Master in Equity, or Commissioner in Equity, or Register in Equity, or Register of Mesne Conveyances, in this State, shall wilfully fail or neglect to discharge all the duties and perform all the services which now are, or shall hereafter be required of him by law, in addition to his liability to the party aggrieved, he shall be liable to be indicted as for a misdemeanor, and, upon conviction thereof, he shall be fined at the discretion of the court, not exceeding \$500..... 577
2. It shall be the duty of the Attorney General and the Circuit Solicitors, and they are authorized and required, to examine annually, and at such time as they shall deem expedient, into the condition of the offices above named, of the several districts in their respective circuits, and to ascertain if the said several officers, respectively, shall have discharged all the duties, and performed all the services, which now are or shall hereafter be required of them respectively, by law; and to make a report of the condition of said offices, and the manner in which the said several officers, respectively, shall have discharged their duties, to the courts of law of the several districts respectively, at the Fall Term in each year, and also to the Legislature, at each annual session..... 577
3. If any one of the said district officers shall be reported as aforesaid, as having wilfully failed or neglected to discharge any of the duties, or to perform any of the services, appertaining to his office, which now are or shall hereafter be required of him, by law, it shall be the duty of the court to order a bill of indictment to be preferred against such delinquent officer..... 577
4. The fine to be imposed by virtue of this Act, shall be paid over to the commissioners of public buildings of the respective districts in which such failure or neglect may have occurred..... 578
5. As a compensation for the additional duties of the Attorney General and Circuit solicitors by this Act, their salaries shall be increased, each, by the sum of \$200..... 578
6. An Act entitled "An Act to provide for the repairing of Court houses and Gaols in this State," passed on the nineteenth day of December, in the year 1827, authorizing and requiring the commissioners of public buildings to keep in repair and superintend the court houses and gaols of their respective districts, so amended as to authorize and require the said commissioners, in their respective districts; also to superintend and keep in repair the interior of the several offices of the aforesaid district officers, and to cause to be constructed and placed therein, and kept in repair, suitable fixtures or cases, for the reception and preservation of the records, books and other papers appertaining and belonging to said offices respectively; and to cause to be erected and kept in repair, such out buildings and fences on the gaol and court house lots, as they may respectively deem necessary for the use and convenience of the sheriffs or gaolers residing in said gaols, respectively, or for the protection of said gaols and court houses; and to cause to be made out and completed, such records and books in the several offices named in the first section of this Act, in their respective districts, as may be directed and ordered by the said court of common pleas and general sessions, whose duty it shall be, from time to time, to give

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1. Commissioner in Equity for Edgefield District to sell and convey the plantation of Alexander Downer deceased, agreeably to the order of the Court of Equity, and the monies arising from such sale, and all other monies or lands belonging to or to be collected for the said estate, arising from sales or investments, that were bequeathed by the testator, for the education of orphan children, shall be under the controul and care of the Court of Equity.....595
2. The annual interest thereof shall be applied and appropriated according to the trusts and terms of the said testator's will.....595
3. The Governor authorised to appoint three Commissioners, to superintend the erection of a suitable school house, to be built as near the plantation as they shall deem expedient, to the building of which they shall apply the interest arising from the said estate; and shall appropriate the annual interest that shall accrue on the said estate, after the erection of such school house, in the education of orphan children, agreeably to the said will.....595
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1. Any person concerned therein, either as principal or second, or as counselling, aiding and abetting in a duel, shall and may be compelled to give evidence against the persons actually indicted, without criminating himself, or subjecting or making himself liable to any prosecution, penalty, forfeiture or punishment on account of his agency in such duel.....208
2. Where two or more persons shall be charged in an indictment for fighting a duel, or being concerned therein, either of such persons may be used as a witness in behalf of the State, by having his name stricken out of the indictment, or otherwise, at the discretion of the Attorney General, or Solicitor, of which an entry shall be immediately made on the minutes of the Court.....208
3. In case he shall be afterwards indicted for the same offence, the fact of his having been a witness on the former prosecution, may be pleaded in bar, and on proof thereof, he shall be acquitted.....208
4. From and after the passing of this Act, in lieu of the fine and imprisonment imposed by the Act aforesaid, the following substituted, to wit: imprisonment not

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exceeding twelve months, and a fine not exceeding \$2000. ....515

5. The clause of the said Act which provides that any offender, convicted under the same, shall stand committed, until he or they shall severally give ample security, to be approved of by one of the associate Judges of this State, in the sum of \$2000, for his perpetual good behaviour, and shall forever be disqualified from holding any office of honor, profit or trust, in or under this State, or from practicing law, physic or divinity, within this State, or exercising any other trade, or profession or calling whatever; and also, so much of the said Act as gives one half of the fine to the informer, repealed.....515

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ELECTIONS, See *Congress. Legislature. Managers of Election. Militia. Sheriff.*

1. If any person shall directly or indirectly offer, give or engage to pay any sum of money or other valuable consideration to another, to induce him to procure for him, by his interest, influence, or any other means whatsoever, any office or place of trust within this State, or shall offer, give, promise or bestow any reward by meat, drink or otherwise, for that purpose, and be thereof convicted, he shall forfeit the sum of not less than one, nor more than five hundred dollars, and suffer imprisonment not exceeding six months.....244
2. If any person shall receive of another any sum of money, or reward of meat, drink or other valuable consideration, for procuring or assisting to procure, any office or place of trust in this State, for any other person whatever, and be thereof convicted, he shall forfeit the sum of not more than one hundred dollars, and suffer imprisonment at the discretion of the Court; and if such offender be in any office, he shall be disabled from holding the same.....244
3. If either of the parties offending as aforesaid, shall give information, upon oath, against the other offending party, and shall duly prosecute such information, such informer shall be free from the penalties.....244
4. If any person shall, at any of the elections herein mentioned, threaten, mal-treat or abuse any voter, with a view to controul or intimidate him in the free exercise of his right of suffrage, such offender shall suffer fine and imprisonment, at the discretion of the Court.....244
5. All offences against this Act shall be tried before the Court of Sessions, and the pecuniary penalties shall go, one-third to the informer and the remainder to the State.....244

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6. The managers of elections for members of Congress, of the Legislature, Sheriffs, Clerks, and all other district officers, and also for Intendant and Wardens of the City of Charleston, and also the officers of all incorporated towns in the State, shall have the authority to administer oaths, and examine witnesses, in all matters concerning the duties of their appointment; and to maintain regularity and order at their respective polls; and if any person shall refuse to obey the lawful commands of the managers, while in the execution of their duties, or by disorderly conduct in their presence or hearing, shall disturb their proceedings, they may, by an order in writing, commit the person so offending to the common gaol of the district, during the day of election on which such disturbance is committed; and such order shall be executed by the Sheriff or any constable to whom the same shall be delivered; or if none be present, by any other person deputed by the managers in writing; and the Sheriff, constable, or other person executing such order, shall be entitled to the same fees as for other arrests, to be defrayed by the party so offending, before his discharge, unless he shall make oath of his inability to pay the same.....442
7. It shall be the duty of the managers, in holding an election in the parishes of St. Philip's and St. Michael's, to set down in writing the particular place of residence, as well as the name, of every voter, and also to designate that the oath was taken, in case such voter was sworn to his qualification.....442
8. If any person offering to vote shall be challenged as unqualified, by a manager, or by any other person entitled to vote, the managers shall declare to the person so challenged, the qualifications of a voter, and if he shall state himself to be duly qualified, and the challenge not be withdrawn, the managers, except for the election of Intendant and Wardens of the City of Charleston, and also of the officers of all incorporated towns or villages within this State, shall then tender to him the following oath, if he be a person claiming to be qualified by residence: "You do swear, or affirm, that you are a citizen of this State, of the age of twenty one years, and have resided therein two years previous to this election; that you are now a resident of this district, or parish, and have been a resident therein for the last six months; That you are not a pauper, soldier or non-commissioned officer of the Army of the United States; and that you have not voted at this election." If the person offering to vote does not claim to be qualified by residence, the managers shall tender to him the following oath: "You do swear that you are a citizen of this State, of the age of twenty one years, and have resided therein two years previous to this election; that you have a freehold of fifty acres of land, or a town lot, in this district or parish, and that you have been legally seized and possessed of the same for the last six months; that you are not a pauper, non-commissioned officer or soldier of the Army of the United States; and that you have not voted at this election.".....443
9. If any person shall refuse to take the oath so tendered, or if the managers shall otherwise be satisfied that he is not qualified, his vote shall be rejected....443
10. In all indictments for perjury, or subornation of perjury, an oath taken before the managers of any election ordered by law, or by joint resolution of both branches of the Legislature, in the due execution of their duties, shall be equivalent to an oath taken in a judicial proceeding; and any person convicted of perjury, or subornation of perjury, assigned in taking, or in procuring any person to take, a false oath before the managers of elections, shall suffer the pains and penalties prescribed by law for such offences....443
11. The elections for a member of Congress, or members of the Legislature, Sheriffs, Clerks, and all other district officers to be elected by the people within the parishes of St. Philips and St. Michaels, shall in future be held at five different places, one of which shall be in each of the four wards of the city of Charleston, and the fifth on Charleston Neck; and the residents in the same shall be authorized and required to vote in that ward, or on the Neck, in which they respectfully reside, and no where else within the said parishes.....443
12. The managers of elections for St. Philips and St. Michaels, shall be authorized to employ two Constables for each of the several polls, who shall each receive for their services the sum of one dollar per day.....443

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13. If any person shall, directly or indirectly, offer, give or engage to pay any sum of money or valuable consideration, to any other, to induce such other person to procure for him, or for any other person, by his vote, interest, influence or any other means whatsoever, any office of honor, profit or trust within this State, or shall offer, give, promise or bestow any reward, by meat, drink, money or otherwise, for the aforesaid purpose, and be thereof convicted, he shall forfeit the sum of not less than \$100 nor more than \$500, and suffer imprisonment for a term not exceeding six months. . . . . 443
14. If any person shall accept or receive, directly or indirectly, of another, any money or reward of meat, drink or other valuable consideration, for procuring, or assisting to procure, by his vote, interest or influence, any office of honor, profit or trust within this State, for any other person whomsoever, and be thereof convicted, he shall forfeit the sum of not more than \$100, and suffer imprisonment at the discretion of the court having cognizance of the same; and if such offender be in any office, he shall, on such conviction, be disabled from holding the same. . . . . 443
15. If either of the parties offending, as aforesaid, shall give information, by oath, against the other offending party, and shall duly prosecute such offender, such informer shall be free from the penalties aforesaid. . . . . 443
16. All offences under this Act shall be heard, tried and determined before the court of sessions and general gaol delivery, in the district in which such offence is committed, and the pecuniary penalties accruing thereby, shall go one half to the informer, and the other half to the commissioners of public buildings for the district where the offence is committed; and such informer shall be a competent witness, notwithstanding his interest in the event of the prosecution. . . . . 443
17. If any person shall, at any election whatever, maltreat, assault, threaten, beat or abuse any voter, with a view to intimidate or control him in the free exercise of his right of suffrage, such offender, on conviction, shall suffer fine and imprisonment at the discretion of the court. . . . . 443
18. If any person shall forcibly interrupt any election pending under any law of this State, or shall invalidate or prevent, or attempt to invalidate or prevent, any such election, by breaking up, or removing, or seizing upon the ballot box or boxes, or shall by any means prevent or deter any voter or voters from putting his or their ballot or ballots into the boxes, or shall change or destroy the ballots which have been duly put therein, any person offending in any of the cases aforesaid, shall forfeit the sum of not less than fifty dollars nor more than two hundred dollars, and shall suffer imprisonment for a term not exceeding three months. . . . . 443

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- Master or Commissioner, upon the application of the party, his, her or their solicitor or agent, desiring such examination, to issue a writ of subpoena for such witnesses, and upon their coming before him, to commit to writing the testimony they give, upon oath, each party having all the rights of cross examination and exception to the admissibility of testimony, now allowed by law; and it shall be the duty of the Master or Commissioner to certify such examination and testimony to the court, to be read in evidence on the trial of the cause; and for this service, the said Master or Commissioner shall be paid by the copy sheet.....411
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3. In all cases whatever where any goods and chattels, or other property of which larceny may be committed, shall have been feloniously taken or stolen by a slave or slaves, or by a free person or persons of colour, every person who shall buy or receive any such goods and chattels, or other property, knowing the same to have been stolen, shall be held and deemed guilty of, and may be prosecuted for, a misdemeanor, whether the principal offender or offenders be or be not previously convicted; and upon conviction thereof, shall be punished by imprisonment and whipping, in like manner as persons convicted of petit larceny.....393
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43. Every hawker and pedlar, upon the demand of any Justice of the Peace or Quorum, shall be bound to produce and exhibit for inspection his license, and in default thereof, it shall be lawful for the said Justice to issue his warrant requiring the detention of the goods, wares and merchandize in the possession of the said hawker or pedlar, together with the carriage used for the transportation thereof, if there be one; and for any Sheriff, Constable or other person thereunto specially authorized by the said Justice, by virtue of the said warrant, to seize and detain the said goods, wares, merchandize and carriage, until a release shall be directed by some Justice, upon payment to him of fees and expenses of seizure and detention, and the production to him of a license granted to the said hawker or pedlar, prior to the warrant aforesaid, or of a recognizance entered into by the said hawker or pedlar, to answer an indictment for violating the Act concerning hawkers and pedlars, or of a receipt from the gaoler of the district of the body of the said hawker or pedlar, committed to gaol under a warrant against him for violating the said Act. And if no such release shall be obtained within ten days from the seizure aforesaid, by the production of either the said license, recognizance or receipt, and payment of fees and expenses as aforesaid, it shall be lawful for any Justice of the Peace or Quorum of the district, to order a sale of the articles seized; and by virtue of the said order, the Sheriff or any Constable of the district, after ten days notice, shall proceed to sell the said articles, or so much thereof as will cover the amount of \$500, and all expenses; and after raising the said amount, (if so much there be,) the remainder of the articles seized, or of the proceeds of sale, shall be delivered or paid to the said hawker or pedlar, and all expenses of sale and fees being satisfied, \$500 (if so much there be,) shall be paid into the hands of the Clerk of the district, to be applied in the same manner as the sums paid for licenses to hawkers and pedlars are by law required to be.....433
44. The two judicial Magistrates elected for the city of Charleston, by the Board of Magistrates, in pursuance, of an Act passed in December, 1830, entitled

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- "An Act for the further regulation of Magistrates and Constables of the parishes of St. Philip and St. Michael," shall have exclusive right of presiding over all Courts in the said city of Charleston, organized for the trial of slaves and other persons of color, charged with offences punishable by law; and in such cases where the offence charged calls for two Justices to sit on the Court, as in the case in some instances, the presiding Magistrate may call to his assistance either the other judicial or a ministerial Magistrate; provided, the ministerial Magistrate so called, be other than the one who brings up the cause for trial; and it shall be the duty of the ministerial Magistrates, and they shall have the exclusive right of issuing all process in the said Court; and it shall be the duty of such ministerial Magistrate who institutes a cause for trial, to attend and conduct the same as prosecuting officer; and the said judicial Magistrates and their assistants, in those cases where assistant Justices are required by law, shall each receive the sum of \$2 for docketing and trying each cause that shall be brought before them, to be paid as Magistrates are now paid in the trial of slaves and other persons of color; and the other or ministerial Magistrates shall receive all other fees authorized by law in Magistrate's cases, and the additional sum of twenty-five cents for attending and conducting each trial. ....437
45. Where any slave or other person of color shall be charged with an offence not capital, a majority of the freeholders, with the concurrence of the presiding Magistrate, are authorized and empowered to find the verdict and determine the nature and extent of the punishment to be inflicted; but where the freeholders are unanimous, the concurrence of the Magistrate shall [not] be required; provided, however, that on the trial of a slave or other person of color, for any capital offence, the unanimous concurrence of the freeholders, and also one of the presiding Magistrates, shall be necessary to a conviction. ....438
46. The Judicial Magistrates shall open a docket-book, and keep it open every day during the sitting of the Magistrates' Courts, for the trial of slaves or other persons of color; and upon which entry being made, the judicial Magistrate presiding, shall appoint the time when the trial shall be had. ....438
47. The number in Laurens, Fairfield and St. George's Dorchester, increased. ....464
48. In all questions on complaint, between master and apprentice; in all cases of holding over after determination of lease, between landlord and tenant, under an Act passed in 1812, entitled "An Act to afford landlords or lessors an expeditious and summary mode of gaining re-possession from tenants or lessees, who shall hold over after determination of their leases," and the amendatory Act passed in 1817; and in all cases of forcible entry and detainer—it shall be the exclusive duty of the ministerial magistrate to prepare the case for trial, summon the parties, present the cause for docketing, attend and conduct the trial as prosecuting officer, exactly as is now done by them on the trial of slaves and free persons of color; and it shall be the duty of the judicial magistrates to open docket books for these three classes of cases, and be governed in all things relating thereto, as they are required to be on the trial of slaves and free persons of color. The compensation of the judicial magistrate and his colleagues, shall be to each, the sum of five dollars, and that of the ministerial magistrate, five dollars, in lieu of all other charges, the cost to be paid by the party cast in the suit; *Provided always*, if the defendant should be cast in the suit, and should prove unable to pay the costs, nothing herein contained shall prevent the plaintiff from being liable for the said costs, as well as those accruing to the constable. ....436
49. From and after the first day of February next, which will be in the year of our Lord 1834, all freeholders or slave holders, to sit on the trial of slaves or free persons of color, and all jurors to sit on causes between landlord and tenant, under the Acts aforesaid of 1812, and the amendatory Act of 1817, and in all cases of forcible entry and detainer, the freeholders or slave holders, and jurors aforesaid, shall be drawn by the ministerial magistrate, in the presence of the judicial magistrate, at the time of docketing the cause for trial, from a box to be kept by the judicial magistrates for that purpose, in which box there shall be two apartments, marked Nos. 1 and 2. ....436

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50. To enable the magistrates aforesaid to carry the clause last aforesaid into effect, the board of magistrates shall, before the said first day of February next, and once at least in every three years thereafter, procure from the treasurer of the city of Charleston, a list of such persons as may be liable to serve as freeholders or slave holders, or jurors, and the names thus procured shall be placed in apartment No. 1, in said box, and be thence drawn in apartment No. 2, until apartment No. 2, shall be transferred to No. 1, and the mode repeated. .... 486
51. So much of the Act entitled "An Act for the better administration of justice, in the trial of causes small and mean, within the Parishes of St. Philip's and St. Michael's, and for other purposes therein mentioned," passed in 1827, as requires the magistrate's court to be held every day in the week, Sundays excepted, for the trial of causes small and mean, repealed—and instead thereof, there shall be a magistrate's court, for the trial of causes small and mean as aforesaid, three days in each week, to be selected by the board of magistrates; *Provided however*, that nothing herein contained shall prevent additional courts being held, if cases of emergency (of which emergency the judicial magistrate shall determine) should require such additional court to be held. .... 487
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53. All magistrates before whom recognizances of witnesses, defendant or prosecutor, for their respective appearances at any of the courts of sessions for this State shall be taken, or before whom any information or other paper returnable to the same shall be made, shall lodge the said recognizances, information or other papers, in the respective clerk's offices of the courts to which they are returnable, at least ten days before the meeting of the said courts respectively; and on their failure so to do, they shall not receive any fee or compensation for issuing or taking the same, unless it shall appear that the offence has been committed or the information made subsequent to such day, or by the return of the sheriff, constable or other officer executing such warrant or other process, to be made on oath, that the same could not be executed by him in time therefore, being subject to the payment of a fine of \$5 for every such default, within the discretion of the court, to whom a rule thereof shall be made returnable. .... 553
54. In all cases where such default shall arise from the neglect or improper delay of the sheriff, constable or other officer, charged with the execution of any warrant or other process pertaining to the court of sessions, he shall in like manner forfeit the fees to which he would otherwise be entitled, and be subject to like penalty as prescribed in the foregoing clause. .... 553
55. All cases small and mean, cases of landlord and tenant, forcible entry and detainer, and of master and apprentice, arising within the parishes of St. Philip and St. Michael, shall be tried and adjudicated before the judicial magistrates of the said parishes, in the same manner and form as is now prescribed by law in such cases, arising within the limits of the city of Charleston. .... 559
56. All prosecutions of slaves and free persons of color, for crimes and misdemeanors, arising within the said parishes, shall be tried and adjudged before the judicial magistrates, in the same manner and form as is now prescribed by law for such cases, arising within the limits of the city of Charleston. .... 559
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## PRISON BOUNDS, (continued.)

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**PRISON BOUNDS, (continued.)**

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3. The rates of tolls on cotton and empty boats passing through the Columbia canal, or Lockhart's canal, or the Wateree canal, shall, at the discretion of the Superintendent of public works, be raised, by any increase of not less than fifty per centum, nor more than one hundred per centum, upon the rates heretofore established; provided that no increase of toll be collected upon boats or cotton passing the Wateree canal, which shall pay toll at all the locks on the Catawba river, above the Wateree canal, and only such increase as the Superintendent may think advisable, upon boats and cotton which shall pay toll at some of the said locks.....493

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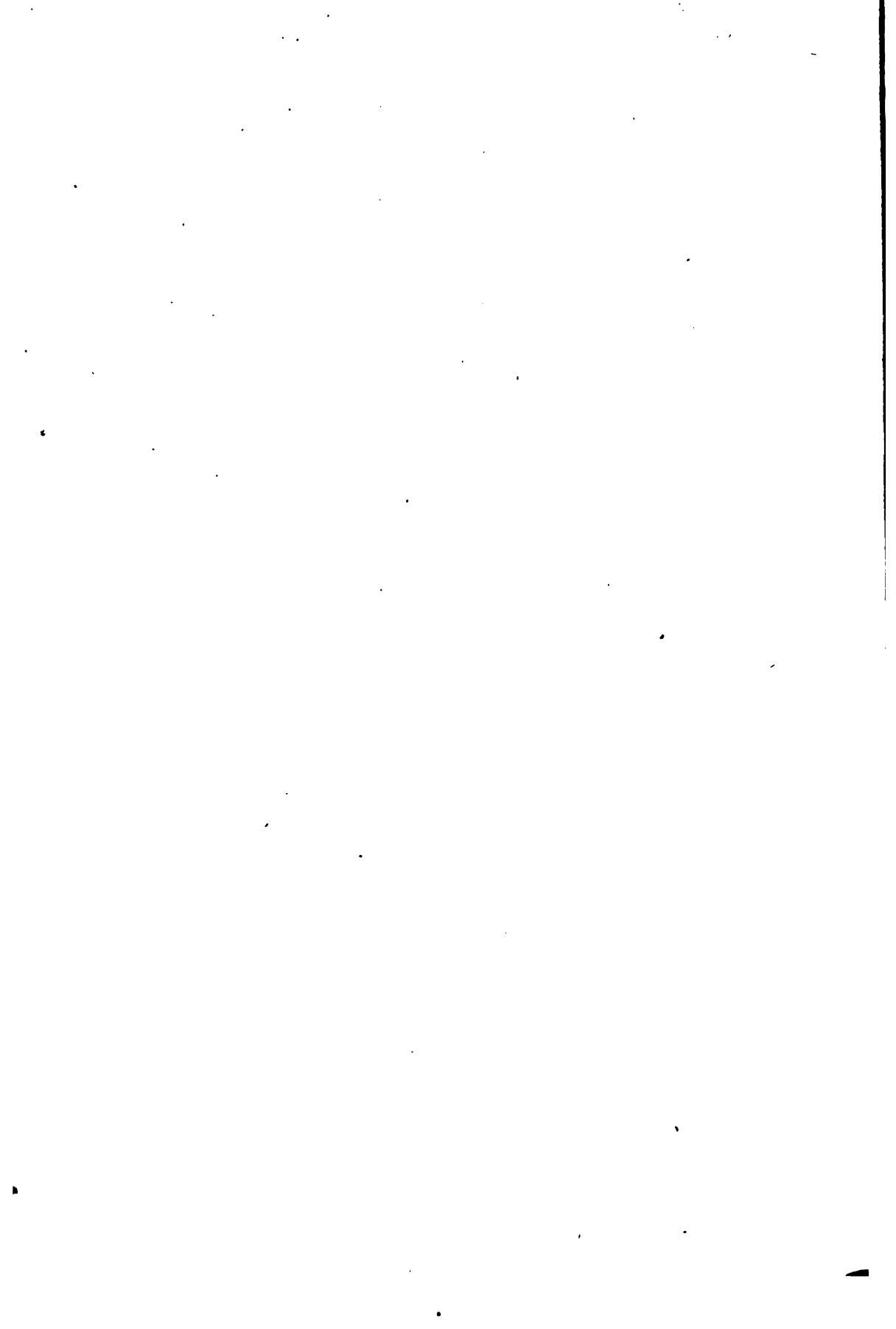
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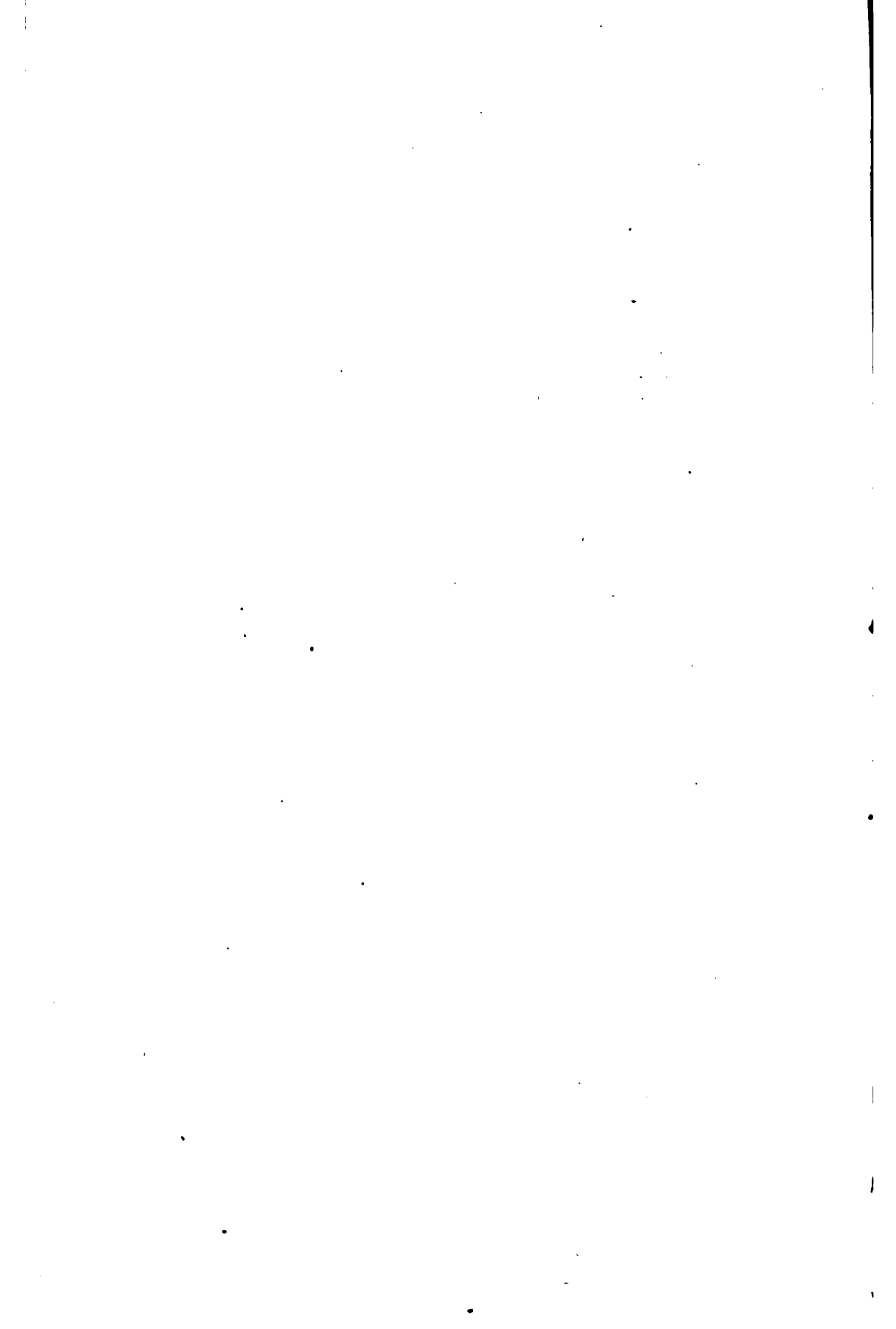
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4. A master or commissioner shall appoint a day for examining witnesses, &c. ....411
5. A party may require the personal attendance of a witness before the master or commissioner in equity, and upon their coming before him, to commit to writing the testimony they give upon oath, each party having all the rights of cross-examination and exception to the admissibility of testimony now allowed by law; and it shall be the duty of the master or commissioner to certify such examination and testimony to the court, to be read in evidence on the trial of the cause; and for this service, the said master or commissioner shall be paid by the copy sheet. ....411
6. On the application of a party in a cause to have his, her or their witness examined, the master or commissioner shall appoint a day for that purpose, and shall cause the adverse party to be notified; and if, on the day appointed, the adverse party shall not attend, or attending, shall not shew sufficient cause for the postponement of the examination, the master or commissioner shall proceed to examine all witnesses produced, and shall continue the examination from day to day, until all the witnesses be examined; and if any witness, duly subpoenaed to attend before the master or commissioner, shall fail to do so, the master or commissioner shall have power to issue a rule, requiring such witness to shew cause why an attachment should not issue against him; and upon failing to shew sufficient cause, the master or commissioner shall have power to grant attachment for contempt. ....411
7. If any party shall shew cause satisfactory to the court, for requiring the examination of the witness or witnesses of the adverse party in open court, on the trial of the cause before the chancellor, he, she or they shall be entitled to the usual process of the court, to procure the personal attendance of such witness, and shall not be compelled to go to trial until such attendance be procured, if practicable. ....412

**WOMAN,**

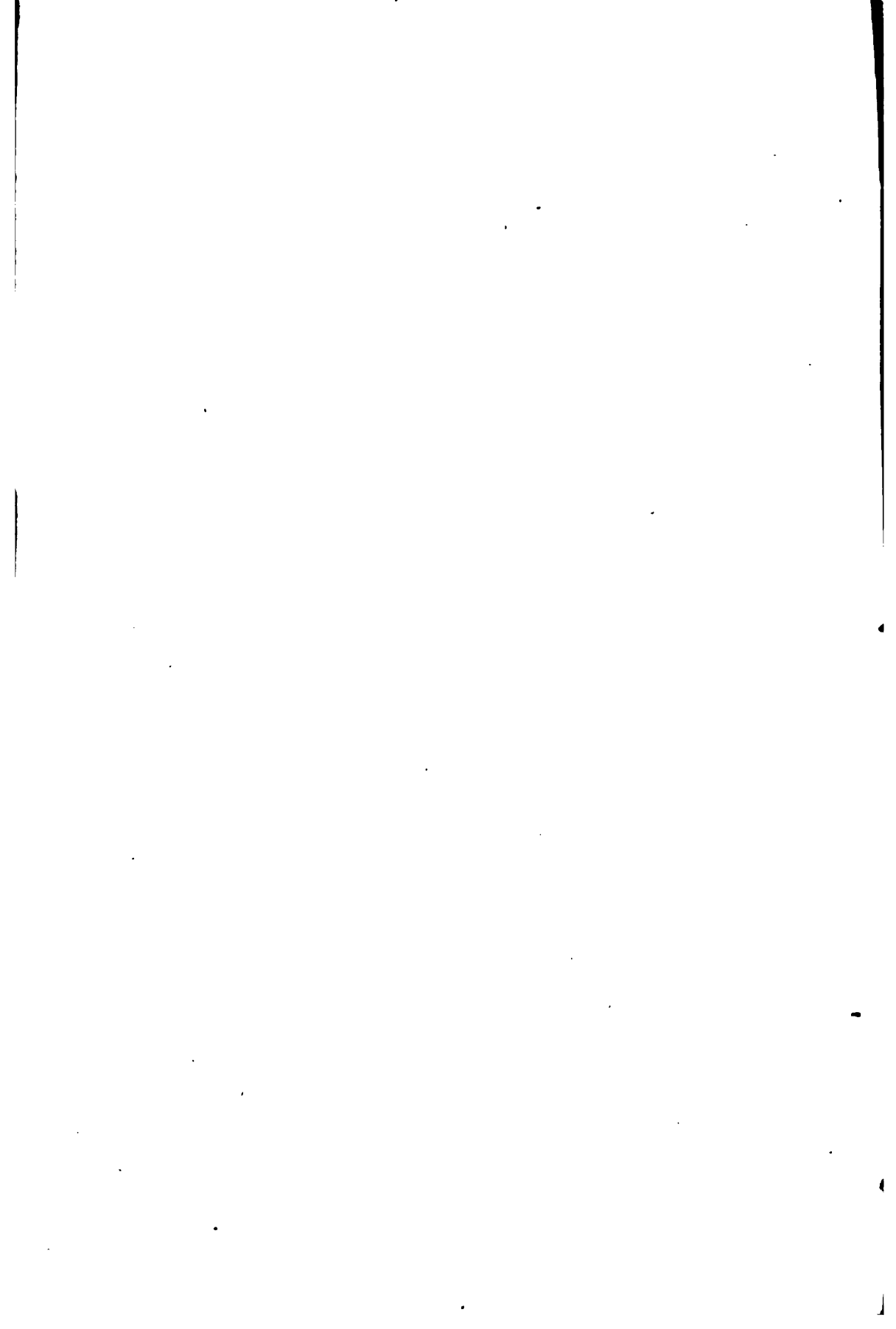
1. Imputing want of chastity to a woman, actionable, without evidence of special damage. ....236
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